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EDITORIAL NOTE

Under article 368 of the Constitution, Parliament of India is vested with the constituent power to amend the Constitution. There have been several pronouncements made by the courts on the extent of power of Parliament to amend the Constitution. Dr. M. Rama Jois, member, Rajya Sabha in his article on *Power of the Parliament to amend the Constitution* outlines the contribution made by the Supreme Court in evolving the concept of basic structure of the Constitution in the context of the power of Parliament to amend the Constitution under article 368. In this issue of the *Journal,* we include the above article authored by Dr. M. Rama Jois, analyzing developments in the case law on the power of Parliament to amend the Constitution.

The remarkable advances in science and technology coupled with free flow of information and easy access to communications with matching good governance practices make for a successful democratic order. The Information and Communications Technologies (ICT) revolution has made its impact on Parliaments in the context of information management to better serve the cause of democracy. The subject, *The Communications Challenge for Parliament: Meeting the Information Needs of Members and the Public* came up for discussion at the final Plenary of the 54th Commonwealth Parliamentary Conference held from 1 to 10 August 2008 at Kuala Lumpur, Malaysia. The Speaker, Lok Sabha, Shri Somnath Chatterjee who was the lead speaker, highlighted the fact that today many nations have adopted the ICT to interact with the government machinery and with the citizens, and the E-governance has emerged as one of the critical components in facilitating good governance. We include in this issue of the *Journal,* the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Conference.

It is important that the legislators should be role models both inside and outside the House. Unless all stakeholders in the democratic system discharge their duties effectively, procedural norms, practices and conventions will be of no effect. In his inaugural Address on 21 September 2008, at the 73rd Conference of the Presiding Officers of Legislative Bodies in India, held at Chandigarh, the Speaker, Lok Sabha and the Chairman of the Conference, Shri Somnath Chatterjee stressed on the need to urgently address the issues of decline of personal integrity and probity in public life, and to reinforce public faith in our democratic institutions. He supported the demand to introduce a

system of '*recall*' to deal with elected representatives who ignore the interests of the people and are guilty of malfeasance and improper conduct or indulge in corrupt or criminal activities. We include in this issue of the *Journal* the text of the Inaugural Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Conference.

We have been witness to political defections which affect the stability of the governments and are, indeed, against the true principles of parliamentary democracy. It was after painstaking efforts of over two decades, the Anti-Defection Law was enacted *vide* the Constitution (Fifty-second Amendment) Act, 1985. The Constitution was again amended in 2003 *vide* the Constitution (Ninety-first Amendment) Act, to rectify what seemed to be a lacuna in case of a 'split'. In a symposium held on 23 September 2008 on *Anti-Defection Law–Need for Review* after the 73rd Conference of Presiding Officers of legislative Bodies in India, the Speaker, Lok Sabha, Shri Somnath Chatterjee pointed out that the jurisdiction and authority to deal with matters of defection as provided in the Tenth Schedule need not continue to be exercised by the Presiding Officers and the power should be conferred on some other authority, like a special Tribunal comprising people well-versed in law. We include in this issue of the *Journal,* the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Symposium.

Democracy requires realizing in practice certain set of values relating to institutions and by providing enabling environment for ensuring optimum welfare of the people. In order to draw the attention of the nation to the need to protect and strengthen the parliamentary system of the country, a Round Table Discussion on *Strengthening Parliamentary Democracy* was organized in the Main Committee Room of the Parliament House Annexe on 4 September 2008. A panel of 22 distinguished dignitaries who have excelled in their areas of expertise participated in the discussion. We include in this issue of the *Journal* a Short Note on the Round Table Discussion.

The Parliament of India has instituted an Annual Parliamentary Lecture in honour of Prof. Hiren Mukerjee, one of India's most outstanding parliamentarians, who contributed immensely towards strengthening the democratic system. Nobel Laureate and Lament Professor at the Harvard University, Prof. Amartya Sen, delivered the Inaugural Prof. Hiren Mukerjee Memorial Parliamentary Lecture on the theme, *Demands of Social Justice,* in the Central Hall of Parliament House on 11 August 2008. The function was presided over by the Vice-President of India and Chairman, Rajya Sabha, Shri Mohammad Hamid Ansari.

We include in this issue of the *Journal* a Short Note on the above function which was attended to, among others, by the Prime Minister, Union Ministers, members of Parliament, Governors and Chief Ministers of States and Union territories besides the diplomatic corps and other distinguished invitees.

In continuing our endeavour to honour the heroes of freedom struggle who laid their lives for the sake of securing independence for the country, the statues and portraits of such illustrious personalities are installed from time to time. On 15 August 2008, the President of India, Smt. Pratibha Devisingh Patil unveiled the statue of Shaheed Bhagat Singh in Parliament House. We include in this issue of the *Journal,* a Short Note on unveiling of the statue of Shaheed Bhagat Singh in the Parliament House Complex.

We also carry in this issue the other regular features, *viz.* Parliamentary Events and Activities, Parliamentary and Constitutional Developments, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

In our constant pursuit of making the *Journal* more enriching and useful, we always invite and welcome suggestions for its further improvement. We also welcome practice and problem oriented, non-partisan articles in the field of parliamentary procedures and institutions from members of Parliament and State Legislatures, scholars and all others interested in the field of parliamentary political science.

—P.D.T. Achary
Editor

POWER OF THE PARLIAMENT TO AMEND THE CONSTITUTION

Justice Dr. M. Rama Jois, M.P.

In the history of development of the constitutional law after the Constitution of India was enacted and came into force on 26 January 1950, the most important question which concerned the very survival of the Constitution itself has been what is the extent of power of Parliament to amend the Constitution? In order to understand and find out the correct answer to the question, it is necessary to refer to the Preamble, articles 13(1) & (2), 245(1), 246(1) and article 368(1) of the Constitution.

The substance of the noble objectives of the Constitution enshrined in the Preamble* constitute the very soul of the Constitution of India. Article 245 provides that the Parliament has the power to make laws for the whole of the territory of India. But this power is, as is made clear by the opening words of article 245 subject to the provisions of the Constitution which incorporated not only the fundamental rights but also various other vital aspects. Under clause (1) of article 246, the Parliament has exclusive powers to make laws in respect of matters enumerated in List-I of the Seventh Schedule to the Constitution. In view of article 13(2) there has been no doubt that Parliament cannot make a law on any topic on which it has the power to make law which is violative of the fundamental rights. Article 368 does not expressly state that the Parliament has the power to amend the Constitution. But article 368 prescribes the procedure to amend the Constitution. In

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* The Preamble to the Constitution reads as under;
WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens:
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;...

this proviso what is implicit is that subject to following the procedure prescribed in article 368, which is mandatory, the Parliament has the power to amend any part of the Constitution.

After the commencement of the Constitution, the constitutional validity of the Constitution Amendment Act made by the Parliament in exercise of its powers conferred on it by article 368 came up for consideration in *Shankari Prasad Vs. Union of India* (AIR 1951 SC 458). In the said case as the validity of the Constitution (First Amendment) Act by which articles 31A and 31B were inserted in the Constitution was challenged. The Supreme Court was called upon to interpret the word 'law' used in article 13 of the Constitution as it provided that no law can be made by the Parliament which takes away or abridges the rights conferred by Part-III of the Constitution, namely, the fundamental rights and that the law made in contravention of clause (2) of article 13 would be void to the extent it contravenes fundamental rights. The question before the Supreme Court in that case for its consideration was that if the Constitution itself was amended by a law made by the Parliament in exercise of its powers flowing from article 368, was it liable to be struck down on the ground of violation of article 13(2)? The Supreme Court took the view that the word 'law' used in article 13(2) means only the ordinary law made by the Parliament in exercise of its ordinary legislative power under article 246(1) *read with article 246(4)* but the same would not be the position in respect of an amendment to the Constitution for, though the Constitution Amendment Act is also an Act made by the Parliament, there was a difference between the law enacted by the Parliament in exercise of its ordinary legislative power and the Constitution Amendment made in exercise of its constituent power in terms of article 368 of the Constitution. Accordingly, the Supreme Court held that an amendment to the Constitution cannot be struck down on the ground of violation of any of the fundamental rights by applying article 13(2). This view was holding the field for nearly fifteen years. The same view was reiterated in the case of *Sajjan Singh Vs. State of Rajasthan*, (AIR 1965 SC 845) in which the validity of the Constitution (Seventeenth Amendment) Act was challenged, by which article 31 and the Ninth Schedule were amended.

Then came the famous case of *Golak Nath* (AIR 1967 SC 1643). In the said case a larger bench of eleven Judges of the Supreme Court disagreed with the earlier interpretation of the word 'law' used in article 13(2) of the Constitution which held that even an amendment to the Constitution made in exercise of its power to amend the Constitution

conferred under article 368 of the Constitution must pass the test of non-violation of fundamental rights incorporated in Part-III of the Constitution. In doing so, the Court stated as follows:–

> "A final appeal is made to us that we shall not take a different view as the decision in *Shankari Prasad's* case, (1952 SCR 89 = AIR 1951 SC 458) held the field for many years. While ordinarily this Court will be reluctant to reverse its previous decision, it is its duty in the constitutional field to correct itself as early as possible, for otherwise the future progress of the country and the happiness of the people will be at stake. As we are convinced that the decision in *Shankari Prasad's* case, (1952 SCR 89 = AIR 1951 SC 458) is wrong, it is pre-eminently a typical case where this Court should overrule it. The longer it holds the field the greater will be the scope for erosion of fundamental rights. As it contains the seeds of destruction of the cherished rights of the people the sooner it is overruled the better for the country".

The resultant position was that after *Golak Nath's* case any amendment to the Constitution which violated the principles of fundamental rights incorporated in Part-III of the Constitution was liable to be declared as void. This was the second stage of development of the Constitution in which the distinction between the law made by the Parliament in exercise of its ordinary legislative power and the law made by the Parliament in exercise of its constituent power to amend the Constitution was wiped out. Both were liable to be tested on the touchstone of fundamental rights and if they violated any of the fundamental rights, the laws were liable to be struck down.

This position continued for a period of nearly six years when the historic case of *Keshavananda Bharati Vs. State of Kerala* (AIR 1973 SC 1461) came up before the Supreme Court in which the validity of several constitutional amendments including the Constitution (Twenty-fifth Amendment) Act 1971 incorporating article 31C of the Constitution was challenged. The said article then read :

> "31C. Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing the principles specified in clause (b) or clause (c) of article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy:

> Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent."

It is in view of insertion of the above article by an amendment to the Constitution which gave immunity against violation of the fundamental rights guaranteed by articles 14 and 19 by any law made by the Parliament, an important question was raised in *Keshavananda Bharati's case* to the effect that the power of amendment of the Constitution conferred on the Parliament under article 368 of the Constitution was only to remove certain difficulties which arose in the implementation of the constitutional provisions and directive principles incorporated in Part-IV of the Constitution, or to make amendments necessary for effective implementation of the objectives of the Constitution. But the power to make amendment did not include the power to alter the basic structure of the Constitution, whether such basic structure formed part of fundamental rights or any other constitutional provisions such as democracy, federalism or supremacy of the Constitution etc., which would result in the destruction of the very basic principles on the basis of which the Constitution was enacted. The principle behind this view was that the Constitution is a fundamental document which prescribes the framework within which alone the limbs of the State should function and this was enacted by the Constituent Assembly which represented the entire people of the nation and a political party elected to run the Government for a period of five years cannot usurp the power to change the very face of the Constitution or its basic values on which the Constitution was based. It is this case which was referred to a bench of 13 Judges which resulted ultimately in laying the firm foundation to the effect that a party elected for a period of five years to run the Government has no power to alter the basic structure of the Constitution. Applying the principle of basic structure, the majority held as follows:–

> "Section 2(a) and 2(b) of the Constitution (Twenty-fifth Amendment) Act, 1971 is valid.
>
> The first part of section 3 of the Constitution (Twenty-fifth Amendment) Act, 1971 is valid. The second part, namely, "and no law containing a declaration that it is for giving effect to such policy shall be called in question in any Court on the ground that it does not give effect to such policy" is invalid".

Salient aspects of the judgment of the judges who constituted

the majority in *Keshavananda Bharati Vs. Union of India* are as follows:–

SIKRI, CJ:

"... The true position is that every provision of the Constitution can be amended provided in the result the basic foundation and structure of the Constitution remains the same. The basic structure may be said to consist of the following features:

(1) Supremacy of the Constitution;

(2) Republican and Democratic form of Government;

(3) Secular character of the Constitution;

(4) Separation of powers between the Legislature, the Executive and the Judiciary;

(5) Federal Character of the Constitution.

The above structure is built on the basic foundation *i.e.*, dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed. Article 14 has been described variously as follows:–

(1) "as the basic principle of republicanism" (per Patanjali Sastri, CJ, in *State of West Bengal Vs. Anwar Ali Sarkar* (1952 SCR 284 at 293),

(2) "as a principle of republicanism" (per Mahajan, J, *Ibid.*, p-313),

(3) "as founded on a sound public policy recognized and valued in all civilized States" (per Das, CJ, in *Bashesharnath Vs. C.I.T.*, (1959 Supp.(1) SCR 528 at 551),

(4) "as a necessary corollary to the high concept of the rule of law" (per Subba Rao, CJ, in *Satwant Singh Vs. Passport Officer*, (1967 (3) SCR 525 at 542),

(5) "as a vital principle of republican institutions" (American Jurisprudence, Vol.16, 2 Ed. P. 731, article 391).

SHELAT AND GROVER JJ:

"The basic structure of the Constitution is not a vague concept and the apprehensions expressed on behalf of the respondents that neither the citizen nor the Parliament would be able to understand it are unfounded. If the historical background, the Preamble, the entire scheme of the Constitution, the relevant provisions thereof including article 368 are kept in mind there can be no difficulty in discerning that the following can be regarded as the basic elements of the constitutional structure.

(These cannot be catalogued but can only be illustrated):

(1) The supremacy of the Constitution

(2) Republican and Democratic form of Government and sovereignty of the country

(3) Secular and federal character of the Constitution

(4) Demarcation of power between the Legislature, the Executive and the Judiciary

(5) The dignity of the individual secured by the various freedoms and basic rights in Part-III and the mandate to build a welfare State contained in Part-IV.

(6) The unity and the integrity of the Nation.

HEGDE AND MUKHERJEE, JJ:

"In the result, we hold:

xxx xxx xxx

(3) Though the power to amend the Constitution under article 368 is a very wide power, it does not yet include the power to destroy or emasculate the basic elements or the fundamental features of the Constitution".

xxx xxx xxx

JAGMOHAN REDDY, J:

"... Parliament cannot under article 368 expand its power of amendment so as to confer on itself the power to repeal, abrogate the Constitution or damage, emasculate or destroy any of the fundamental rights or essential elements of the basic structures of the Constitution or of destroying the identity of the Constitution ..."

KHANNA, J:

"The power of amendment under article 368 does not include the power to abrogate the Constitution nor does it include the power to alter the basic structure or framework of the Constitution..."

After the judgment in *Keshavananda Bharati's* case, the Parliament enacted the Constitution (Forty-second Amendment) Act, 1976. By the said amendment, the words "the principles specified in clauses (b) and (c) of article 39" in article 31C were substituted by the words "directives of Part IV of the Constitution". In view of this amendment, the original immunity given to laws enacted by the Legislature for the purpose of clauses (b) and (c) of article 39 was widened and the immunity was sought to be given for all laws which were enacted to give effect to

the directive principles set out in Part-IV of the Constitution. However, the validity of such widening of protection offered to laws enacted by the Parliament came to be challenged before the Supreme Court in the case of *Minerva Mills*. The Forty-second Constitution Amendment totally excluded the judicial review of the laws enacted to give effect to any of the directive principles incorporated in Part-IV of the Constitution. This extending of protection to all such laws was held to be beyond the power of the Parliament under article 368 in the case of *Minerva Mills* (AIR 1980 SC 1789). The result was that article 31C was restored to its earlier position so that the Legislature could give protection to only those laws which were enacted to implement article 39(b) and (c)*, for judicial review.

In *Waman Rao & Other Vs. Union of India & Others* (1981(2) SCC 362) [at para 16], the Supreme Court held that the power to amend the Constitution cannot be exercised so as to damage or destroy the basic structure of the Constitution.

> "[16] The period between April 24, 1973, when the judgment in *Keshavananda Bharati* was delivered and now, is of course a short span in our constitutional history but the occasional challenges which evoked equal responses have helped settle the controversy over the limitations on the Parliament's power to amend the Constitution. Khanna, J, was misunderstood to mean that fundamental rights are not a part of the basic structure of the Constitution when he said in *Keshavananda Bharati* (SCC p. 769, para 1434):
>
> ... I have no doubt that the power of amendment is plenary and would include within itself the power to add, alter or repeal the various articles including those relating to fundamental rights. (p.688)
>
> But he clarified the true position in his judgment in the Election case (AIR 1975 SC 2299) (pp. 497-99) (SCC pp. 114-16), by drawing the attention of doubters to a significant qualification which he had engrafted on the above statement, at pages 688 and 758 (SCC pp. 769 and 824) of his judgment in *Keshavananda*

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* Article 39(b) and (c) reads as under:
The State shall, in particular, direct its policy towards securing—
xxx xxx xxx
(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.
(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

Bharati. The qualification was that *subject to the retention of the basic structure or framework of the Constitution*, the power of amendment was plenary. The law on the subject of the Parliament's power to amend the Constitution must now be taken as well settled, the true position being that though the Parliament has the power to amend each and every article of the Constitution including the provisions of Part-III, the amending power cannot be exercised so as to damage or destroy the basic structure of the Constitution ..."

In *L. Chandra Kumar Vs. Union of India* (1997 (3) SCC 261) the Supreme Court was called upon to consider whether clause (d) of article 323A(2) which enabled the Parliament to exclude the jurisdiction of the High Courts under article 226 in respect of disputes and complaints in service matters and article 323B, clause 3(d) which not only authorized the Parliament but also the State Legislatures to exclude the jurisdiction of the High Courts under article 226 of the Constitution in respect of matters falling under legislation on the topics specified in article 323B(2)(d). The validity of said provisions was challenged on the ground that the power of judicial review conferred on the High Courts under article 226 which comprised power of judicial review of legislative actions, executive actions as also of the judicial actions of the subordinate courts and tribunals constituted the basic structure and, if so, whether the Parliament was competent to enact these clauses. As a Constitution bench had upheld the validity having regard to the importance of the question, the matter was referred to a larger bench of seven judges in *L. Chandra Kumar's* case. The Supreme Court unanimously held that the power of judicial review conferred on the superior courts, namely the High Courts and the Supreme Court, constitute an element of basic structure of the Constitution and therefore the provisions of article 323A(2)(d) and 323B(3)(d) which enable excluding the jurisdiction of the High Courts under article 226 violate the basic structure of the Constitution. The relevant paragraphs of the judgment read:

xxx xxx xxx

"[78] ..... It is equally their duty to oversee that the judicial decisions rendered by those who man the subordinate courts and tribunals do not fall foul of strict standards of legal correctness and judicial independence. The constitutional safe-guards which ensure the independence of the Judges of the superior judiciary, are not available to the Judges of the sub ordinate judiciary or to those who man tribunals created by ordinary legislations. Consequently, Judges of the latter category

can never be considered full and effective substitutes for the superior judiciary in discharging the function of constitutional interpretation. We, therefore, hold that the power of judicial review over legislative action vested in the High Courts under article 226 and in this Court under article 32 of the Constitution is an integral and essential feature of the Constitution, constituting part of its basic structure. Ordinarily, therefore, the power of High Courts and the Supreme Court to test the constitutional validity of legislations can never be ousted or excluded."

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"[79] We also hold that the power vested in the High Courts to exercise judicial superintendence over the decisions of all courts and tribunals within their respective jurisdictions is also part of the basic structure of the Constitution. This is because a situation where the High Courts are divested of all other judicial functions apart from that of constitutional interpretation, is equally to be avoided."

xxx xxx xxx

"[91].... Having regard to both the aforestated contentions, we hold that all decisions of Tribunals, whether created pursuant to article 323A or article 323B of the Constitution, will be subject to the High Court's writ jurisdiction under articles 226/227 of the Constitution, before a Division Bench of the High Court within whose territorial jurisdiction the particular Tribunal falls"

xxx xxx xxx

"[99] In view of the reasoning adopted by us, we hold that clause *2(d)* of article 323A and clause *3(d)* of article 323B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of articles 323A and 323B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under articles 226/227 and upon the Supreme Court under article 32 of the Constitution is a part of the inviolable basic structure of our Constitution."

In *Indira Nehru Gandhi Vs. Rajnarayan* (AIR 1975 SC 2299–1976 (2) SCR 347) validity of article 329 inserted by the Constitution (Thirty-ninth Amendment) Act was challenged. The article which was extraordinary from every angle read:–

In article 329 of the Constitution, for the words "Notwithstanding

anything in this Constitution", the words, figures and letter "Notwithstanding anything in this Constitution but subject to the provisions of article 329A" shall be substituted.

4. Insertion of new article 329A:

In Part XV of the Constitution, after article 329, the following article shall be inserted, namely: "329A. Special provision as to elections to Parliament in the case of Prime Minister and Speaker (1) Subject to the provisions of Chapter II of Part V [except clause (e) of clause (1) of article 102], no election- (a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election; (b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election, shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) of article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

(4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election to any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void

or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

(5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of Clause (4).

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution".

The article was declared invalid on the ground that it violated the basic structure of the Constitution in *Indira Nehru Gandhi Vs. Rajnarayan Case*. Relevant part of the judgment reads:–

MATHEW, J:

"... The equality aspect of the rule of law and of democratic republicanism is provided in article 14. May be, the other articles referred to do the same duty" ..... "The concept of equality which is basic to rule of law and that which is regarded as the most fundamental postulate of republicanism are both embodied in article 14". (pp. 525)

CHANDRACHUD, J: [As he then was]

"... The plain intendment and meaning of clause (4) is that the election of the two personages will be beyond the reach of any law, past or present.... These provisions are an outright negation of the right of equality conferred by article 14, a right which more than any other is a basic postulate of our Constitution". (p. 664)

The same principle was reiterated in *Maneka Gandhi Vs. Union of India* 1978 (1) SCC 248 at 293 para 7

BHAGWATI, J:

"Now the question immediately arises as to what is the requirement of article 14; what is the content and reach of the great equalizing principle enunciated in this article? There can be no doubt that it is a founding faith of the Constitution. It is indeed the pillar on which rests securely the foundation of our democratic republic".

In the case of *M. Nagaraj Vs. Union of India* {2006 (8) SCC 212} while upholding the constitutional amendment which made special provisions in the matter of providing reservation and consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotional posts and also consequential seniority reiterated that the Parliament had no power to alter the basic structure of the Constitution. The Court, however, held that providing reservation in promotion and the seniority flowing from such promotion was contemplated by original article 16(4) itself and it had become necessary to make what was implicit in article 16(4) explicit in view of the narrow interpretation of that article by the Supreme Court in the cases of *Ajit Singh* (AIR 1996 SC 1189; 1999 (7) SCC 209, 2000 (1) SCC 430) and in *M.G. Badappanavar Vs. State of Karnataka* (2001 (2) SCC 666). It is in this case Justice Kapadia made a novel and an all important observation by going to the very source of the fundamental rights. He declared that Fundamental Rights were already there in the sense that they are the rights which human beings have by birth and the Constitution only recognized them. This declaration was similar to the famous declaration made by Bal Gangadhar Tilak to the effect "Swaraj is my birth right, I shall have it. The relevant observations in that judgment are:

> "... Part-III of the Constitution does not confer fundamental rights. It confirms their existence and gives them protection. Its purpose is to withdraw certain subjects from the area of political controversy to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. Every right has a content. Every foundational value is put in Part-III as a fundamental right as it has intrinsic value... the Court must not be too astute to interpret the language in a literal sense so as to whittle them down. The Court must interpret the Constitution in a manner which would enable the citizens to enjoy the rights guaranteed by it in the fullest measure...."
>
> ".... The rights, liberties and freedoms of the individual are not only to be protected against the State, they should be facilitated by it. They are to be informed. Overarching and informing of these rights and values is the principle of human dignity under the German basic law. Similarly, secularism is the principle which is the *overarching* principle of several rights and values under the Indian Constitution. Therefore, axioms like secularism, democracy, reasonableness, social justice, etc., are overarching principles which provide linking factor for principle of fundamental rights like articles 14, 19 and 21. These principles are beyond the amending power of Parliament...."

"To conclude, the theory of basic structure is based on the concept of constitutional identity. The basic structure jurisprudence is a preoccupation with constitutional identity. In *Keshavananda Bharati v. State of Kerala (1973)4 SCC 225)* it has been observed that "one cannot legally use the Constitution to destroy itself". It is further observed "the personality of the Constitution must remain unchanged". Therefore, this Court in *Keshavananda Bharati* while propounding the theory of basic structure has relied upon the doctrine of constitutional identity. The word 'amendment' postulates that the old Constitution survives without loss of its identity despite the change and it continues even though it has been subjected to alteration. This is the constant theme of the opinion in the majority decision in *Keshavananda Bharati* to destroy its identity is to abrogate the basic structure of the Constitution. This is the principle of constitutional sovereignty. Secularism in India has acted as a balance between socio-economic reforms which limits religious options and communal developments. The main object behind the theory of the constitutional identity is continuity and within that continuity of identity, changes are admissible depending upon the situation and circumstances of the day."

"At the outset, it may be noted that equality, rule of law, judicial review and separation of powers are distinct concepts. They have to be treated separately, though they are intimately connected. There can be no rule of law if there is no equality before the law; and rule of law and equality before the law would be empty words if their violation was not a matter of judicial scrutiny or judicial review and judicial relief and all these features would lose their significance if judicial, executive and legislative functions were united in only one authority, whose dictates had the force of law. The rule of law and equality before the law are designed to secure among other things, justice both social and economic...."

"From these observations, which are binding on us, the principle which emerges is that 'equality' is the essence of democracy and, accordingly a basic feature of the Constitution. This test is very important. Free and fair elections *per se* may not constitute a basic feature of the Constitution. On their own, they do not constitute basic feature. However, free and fair election as a part of representative democracy is an essential feature as held in *Indira Nehru Gandhi V. Raj Narain (1975 Supp. SCC 1; 1976 (2) SCR 347)* [Election case]...."

In spite of the clear decision of the Supreme Court holding that the Parliament had no power to alter the basic structure of the

Constitution, several laws enacted by the Parliament or the State Legislatures came to be included in the Ninth Schedule of the Constitution in order to make them beyond challenge before the Courts in view of article 31B* of the Constitution.

In view of the clear wording of the said article, the constitutional validity of no law which is included in the Ninth Schedule could be challenged before the courts as it gave complete immunity against such challenge. Therefore, the question arose that if any law made by the Parliament or the State Legislatures which destroys any of the basic structure of the Constitution were included in the Ninth Schedule, are they immune from being challenged before the courts in view of article 31B? Further question was as there are certain articles in the Constitution which can be regarded as incorporating the elements of the basic structure of the Constitution, violation of which is impermissible even by an amendment to the Constitution, can be saved by including them in the Ninth Schedule? This question came to be referred to a nine-judge bench in the case of *I.R. Coelho Vs. State of Tamil Nadu* (2007 (2) SCC 1). The nine-judge bench held that the Parliament had no power to make a law which alters the basic structure of the Constitution and even if such laws were to be included in the Ninth Schedule of the Constitution, any law which alters/destroys the basic structure of the Constitution cannot escape the liability of being struck down by the superior Courts by the exercise of their power of judicial review notwithstanding their inclusion in the Ninth Schedule of the Constitution. The fact as to whether in a given case there has been violation of basic structure of the Constitution, however, has to be decided by the Court as and when it is challenged.

After reviewing all the earlier decisions, the nine-judge bench of the Supreme Court clearly laid down as to what constitutes basic structure which cannot be amended by the Parliament. The relevant portions of the judgment read:

"The principle of constitutionalism is now a legal principle which

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* Article 31B of the Constitution reads as under:
31B. – Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or taken away or abridges any of the rights conferred by any provisions of this Part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.

requires control over the exercise of governmental power to ensure that it does not destroy the democratic principles upon which it is based. These democratic principles include the protection of fundamental rights. The principle of constitutionalism advocates a check and balance model of the separation of powers; it requires a diffusion of powers, necessitating different independent centres of decision-making. The principle of constitutionalism underpins the principle of legality which requires the courts to interpret legislation on the assumption that Parliament would not wish to legislate contrary to fundamental rights. The legislature can restrict fundamental rights but it is impossible for laws protecting fundamental rights to be impliedly repealed by future statutes".

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"The distinction is drawn by the author between the making of a Constitution by a Constituent Assembly which was not subject to restraints by any external authority as a plenary law-making power and a power to amend the Constitution, a derivative power derived from the Constitution and subject to the limitations imposed by the Constitution. No provision of the Constitution framed in exercise of plenary law-making power can be *ultra vires* because there is no touchstone outside the Constitution by which the validity of provision of the Constitution can be adjudged. The power for amendment cannot be equated with such power of framing the Constitution. The amending power has to be within the Constitution and not outside."

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"Parliament has power to amend the provisions of Part-III so as to abridge or take away fundamental rights, but that power is subject to the limitation of basic structure doctrine. Whether the impact of such amendment results in violation of basic structure has to be examined with reference to each individual case. Take the example of freedom of press which, though not separately and specifically guaranteed, has been read as part of article 19(1)(a). If article 19(1)(a) is sought to be amended so as to abrogate such right (which we hope will never be done), the acceptance of the respondent's contention would mean that such amendment would fall outside the judicial scrutiny when the law curtailing these rights is placed in the Ninth Schedule as a result of immunity granted by article 31B. The impact of such an amendment shall have to be tested on the touchstone of rights and freedoms guaranteed by Part-III of the Constitution...."

"In *Indira Gandhi* case (1975 Supp. SCC 1), Chandrachud, J posits that equality embodied in article 14 is part of the basic structure of the Constitution and, therefore, cannot be abrogated by observing that the provisions impugned in that case are an outright negation of the right of equality conferred by article 14, a right which more than any other is a basic postulate of our Constitution".

"Dealing with articles 14, 19 and 21 in *Minerva Mills* case (1980 (3) SCC 625), it was said that these clearly form part of the basic structure of the Constitution and cannot be abrogated...."

"As already stated, in *Indira Gandhi case* (1975 Supp. SCC 1) for the first time, the constitutional amendment that was challenged did not relate to property right but related to free and fair election. As is evident from what is stated above that the power of amending the Constitution is a species of law-making power which is the genus. It is a different kind of law-making power conferred by the Constitution. It is different from the power to frame the Constitution *i.e.,* a plenary law-making power as described by Seervai in *Constitutional Law of India* (4th Edn.)."

"It is *Kesavananda Bharati case* (1973 (4) SCC 225; 1973 Supp. SCR 1) read with clarification of Khanna. J. in *Indira Gandhi case (*1975 Supp. SCC 1) which takes us one step forward, namely, that fundamental rights are interconnected and some of them form part of the basic structure as reflected in article 15, article 21 read with article 14, article 14 read with articles 16(4), (4A), (4B), etc. *Bharati* and *Indira Gandhi cases* have to be read together and if so read the position in law is that the basic structure as reflected in the above articles provide a test to judge the validity of the amendment by which laws are included in the Ninth Schedule."

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"Equality, rule of law, judicial review and separation of powers form parts of the basic structure of the Constitution. Each of these concepts are intimately connected. There can be no rule of law, if there is no equality before the law. These would be meaningless if the violation was not subject to the judicial review. All these would be redundant if the legislative, executive and judicial powers are vested in one organ. Therefore, the duty to decide whether the limits have been transgressed has been placed on the Judiciary."

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"The doctrine of basic structure contemplates that there are certain parts or aspects of the Constitution including article 15,

article 21 read with articles 14 and 19 which constitute the core values which if allowed to be abrogated would change completely the nature of the Constitution. Exclusion of fundamental rights would result in nullification of the basic structure doctrine, the object of which is to protect basic features of the Constitution as indicated by the synoptic view of the rights in Part-III".

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"The doctrine of basic structure as a principle has now become an axiom. It is premised on the basis that invasion of certain freedoms needs to be justified. It is the invasion which attracts the basic structure doctrine. Certain freedoms may justifiably be interfered with. If freedom, for example, is interfered with in cases relating to terrorism, it does not follow that the same test can be applied to all the offences. The point to be noted is that the application of a standard is an important exercise required to be undertaken by the Court in applying the basic structure doctrine and that has to be done by the Courts and not by prescribed authority under article 368. The existence of the power of Parliament to amend the Constitution at will, with requisite voting strength, so as to make any kind of laws that excludes Part III including power of judicial review under article 32 is incompatible with the basic structure doctrine. Therefore, such an exercise if challenged, has to be tested on the touchstone of basic structure as reflected in article 21 read with article 14 and article 19, article 15 and the principles thereunder".

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"A law that abrogates or abridges rights guaranteed by Part III of the Constitution may violate the basic structure doctrine or it may not. If former is the consequence of the law, whether by amendment of any article of Part III or by an insertion in the Ninth Schedule, such law will have to be invalidated in exercise of judicial review power of the Court. The validity or invalidity would be tested on the principles laid down in this judgment".

Thus, the question as to what is the width of the power of the Parliament under article 368 of the Constitution to amend the Constitution is now crystal clear and beyond any controversy. That is the law of the land in terms of article 141 of the Constitution of India. Evolving of the concept of basic structure of the Constitution and holding that Parliament has no power to amend the basic structure of the Constitution has been the biggest and everlasting contribution of the Supreme Court on account of which our democratic system which was under threat in 1975 survived.

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE 54TH COMMONWEALTH PARLIAMENTARY CONFERENCE, KUALA LUMPUR, MALAYSIA, 9 AUGUST 2008

The 54th Commonwealth Parliamentary Conference was held from 1 to 10 August 2008 at Kuala Lumpur, Malaysia. The Speaker, Lok Sabha, Shri Somnath Chatterjee was the lead Speaker at the final Plenary Session of the Conference on the subject, "The Communications Challenge for Parliament: Meeting the Information Needs of Members and the Public".

We reproduce below the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Conference.

—Editor

Mr. Chairman, Distinguished Delegates and Ladies and Gentlemen:

It is indeed a matter of great honour for me to open the discussion on the subject '*The Communications Challenge for Parliament: Meeting the Information Needs of Members and the Public*'.

One of the most remarkable developments of the last quarter of the Twentieth Century was the emergence of democracy as the most preferred system of governance across the world. Another equally remarkable development of this era was the revolutionary growth in the field of Information and Communications Technologies (ICTs). The immediate result of these advancements is the information explosion and the resultant evolution of an information-driven world order.

In today' s world, information is perceived as the greatest source of power. This is all the more so for those involved in managing public affairs, especially people's representatives. To deliberate and discuss meaningfully and to take informed decisions, parliamentarians must have unrestrained access to authentic, objective and non-partisan information. An informed parliamentarian can be of immense help in the emergence of an informed democracy. Similarly, an informed electorate can strengthen the edifice of democracy, The right to know and the right to information, along with the accessibility to the latest information, thus become crucial factors in a successful democratic system.

Like in other Commonwealth Parliaments, the Indian Parliament and our State Legislatures too have developed various procedural devices for eliciting information, raising matters of public concern in the House and for enforcing Executive accountability. Among other procedural devices, Questions, Half-an-hour Discussions, Short Notice Questions, Calling Attention Notices, etc. offer ample opportunities to the members to seek information on matters of urgent public importance.

Mr. Chairman, our Parliament has taken several initiatives in the last four years to equip parliamentarians with objective and authentic information on diverse issues. Thus, we have constituted Parliamentary Forums on important subjects which enable members to gain information and knowledge on issues and developments in the areas concerned, make them aware of their manifold dimensions and help them adopt a result-oriented approach towards them. We have started a Lecture Series by subject specialists and experts which provide additional inputs to members on various contemporary problems and help them in playing a proactive role in addressing them meaningfully.

Mr. Chairman, in the wake of the ICT revolution, to access accurate, exhaustive and objective information within the shortest possible time, parliamentarians need to rely on the latest available technologies in this area. These technologies have made their impact on Parliaments too in the context of information management. Almost all activities of our Parliament have been automated and all members are provided with the latest computer facilities. Our Parliament has its own website and is electronically accessible to all citizens. Our Parliament Library too is substantially automated and we have gone far in making use of ICTs in information management. Needless to say, the growing use of computers, generation of electronic database and introduction of networking technologies have facilitated easy availability of information to our members as well as citizens.

We acknowledge that while it is important that we ensure Executive accountability to Parliament, it is equally imperative that the institution of Parliament itself is accountable to the people. Just as parliamentarians need information to be effective elected representatives, the general public should have access to information to better serve the cause of democracy. With a view to making governance more transparent and accountable to the general public, our Parliament enacted the Right to Information Act in 2005. In pursuance of this Act, rules have been framed in the Lok Sabha and Rajya Sabha Secretariats providing for the procedure for obtaining/supplying information and a Central Public Information Officer has been designated in both the Secretariats.

With a view to communicating Parliament to our citizens, we have taken several steps to telecast/broadcast the proceedings of Parliament, thus bringing the institution nearer to the people. On 14 December 2004, two separate dedicated satellite channels were launched for telecasting live the entire proceedings of the Houses of Parliament nationwide. Going a step further, we launched our own independent Lok Sabha TV Channel, totally owned and independently managed by the House itself, in July 2006. The proceedings of the Houses are also webcast on the Homepage of our Parliament. Acknowledging the importance of the media in disseminating information about the functioning of our Parliament to the public, we have provided special facilities to the media persons for coverage of parliamentary proceedings, events and activities. Another important initiative of ours has been the setting up of the Parliament Museum. The Museum, open to the general public, is a hi-tech 'story telling museum', depicting the continuum of India's democratic ethos and institutional development.

We have also taken several other steps to promote the link between Parliament as an institution and the public. These include: regular interaction with media persons, including Orientation Programmes, Seminars and Workshops for them; holding exhibitions on parliamentary democracy in different States for the general public; liberal access to the rich collections of the Parliament Library for journalists, research scholars and students; and setting up of a Children's Corner to cater to the specific information and knowledge needs of children. Another significant development has been the introduction of the Lok Sabha Internship Programme in the year 2008 which provides an opportunity to young scholars to acquaint them with the working of parliamentary democracy and democratic institutions in general and specially the Indian parliamentary system.

Distinguished Delegates, as you all know, the revolutionary breakthroughs in the field of information and communication technologies have impacted our lives in many ways, touching upon virtually all aspects of human activity. Many nations have adopted the ICT to interact within the government machinery and with the citizens and E-governance has emerged as one of the critical components in facilitating good governance. That being so, in a digital democracy, it is imperative that there should be no digital divide between the developed and the developing world. In this context, you would recall that the Heads of Government at the Malta CHOGM in November 2005 had adopted the Malta Declaration on Networking the Commonwealth for Development and endorsed the establishment of a special Fund to achieve the performance

targets envisaged in the Action Programme. India took a lead role in the endorsement of the Programme with a view to sharing our expertise in ICTs with the Commonwealth community. India also made a contribution of Euro one million to the Fund and announced, in principle, to provide up to five experts for periods upto six months for assisting other Commonwealth countries in developing ICT capacity. In this regard, I would like to share with this august gathering that our Government accords high priority to improving the quality of basic governance and has launched a National e-Governance Plan comprising 27 Mission Mode Projects and eight support components to be implemented at the Central, State and Local Government levels, at an estimated cost of Rs.23,000 crore, corresponding to about US $ 5476 million over the next five years.

The traditional media has an important role to play and has a special responsibility in helping to sustain the people's confidence, in the democratic system not by overlooking the aberrations, but by presenting facts before the people with a sense of objectivity and courage.

The observation of Peter R. Kann, a Pulitzer prize winning Journalist, that 'the press is at least partially responsible for greater public scepticism toward traditional institutions... .', is not without basis. As he stated: '... it's one thing—and an appropriate one—for the press to probe particular instances of political corruption. It's quite another thing to jump to the cynical conclusion that the political process, and all politicians, are corrupted—that *'they all do it.'* Today, when democratic institutions in many societies are being faced with a credibility deficit, the media need to ask itself, if it is contributing towards enhancing that credibility or is it also, unwittingly, driven by short-term commercial gains and sensationalism, becoming a factor in undermining it.

Today, the onset of the electronic and on-line media has made its reach truly global and indeed instant, thereby eliminating geographical barriers. The new technologies offer an important means to the parliamentarians for interacting with the citizens in a more productive and purposive way. However, this alone is not sufficient to rebuild public trust. As elected representatives, it is our bounden duty to make efforts to enhance the credibility of the democratic processes before the citizens and effectively communicate and interface with the public so as to strengthen and sustain their trust in parliamentary democracy.

Distinguished Delegates, I am confident that the discussion in

this Plenary Session will enable us to address the issues and challenges faced by our Legislatures in meeting the information needs of both the members and the public in a more effective and efficacious manner.

Thank you.

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ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE SEVENTY THIRD CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA, 21 SEPTEMBER 2008

The 73rd Conference of Presiding Officers of Legislative Bodies in India was held at Chandigarh from 20 to 24 September 2008. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee delivered the Inaugural Address on 21 September 2008.

We reproduce below the text of the Address by the Speaker, Lok Sabha at the Conference.

—Editor

Honourable Speaker, Haryana Vidhan Sabha; Honourable Deputy Chairman, Rajya Sabha; Honourable Deputy Speaker, Lok Sabha; Honourable Presiding Officers of the State Legislatures; Honourable Ministers; Honourable Legislators; Secretaries General of Lok Sabha and Rajya Sabha; Principal Secretaries and Secretaries from the State Legislative Bodies; and Friends:

It is an honour and a matter of great pleasure for me to be with you here at the 73rd Conference of Presiding Officers of Legislative Bodies in India. Chandigarh had been the venue of two of our previous Conferences, first in 1963 hosted by the Legislature of undivided Punjab and second in 2001 hosted by the Punjab Vidhan Sabha. I convey my gratitude to the Honourable Speaker of the Haryana Vidhan Sabha for organizing this year's Conference in this beautiful city and for making impeccable arrangements and for the wonderful hospitality provided to all. I also congratulate the people of Haryana for the spectacular achievements and progress they have made in different spheres of our national life of which as part of the nation we are all proud.

I welcome 18 distinguished Presiding Officers who have joined our fraternity since our last Conference. I also place on record our deep appreciation of the valuable contributions made to our Conferences by the former Presiding Officers of Legislative Bodies who have left office since our previous Conference.

The Speaker, Lok Sabha, Shri Somnath Chatterjee addressing the 73rd Conference of Presiding Officers of Legislative Bodies in India

One of the subjects that we discussed at the last Conference related to indiscipline and misconduct of members of Legislatures. It is a matter of great concern that the malaise still remains acute. All of us are facing unruly conduct of members inside the House, disrupting the proceedings and forcing adjournments of the same. With great sadness, I had to refer the names of 32 members of Lok Sabha to the House Committee of Privileges in April, 2008 for examination, investigation and report on their disorderly conduct in the House. Subsequently, I withdrew my decision following the assurance given to me by the leaders of parliamentary parties to provide full cooperation in ensuring a smooth running of the House. Unfortunately, despite such assurances, disruptions of House proceedings and forced adjournments due to the most unruly conduct of a section of members have continued.

It is important that the legislators should be role models both inside and outside the House. On 18 May 2007, I referred a complaint of misconduct against a member of Lok Sabha to a House Committee for examination and report. The Committee, in its report, found the member guilty of misusing his privileges and facilities and recommended that the member be reprimanded and also suspended from the membership of the House for thirty sittings of the House, and also be restrained from taking his spouse or companion on official tours for the remaining period of the term of the House. The Report was adopted by the House.

While upholding parliamentary privileges, members of Parliament and State Legislatures have to always remember that these privileges exist to enable them to discharge their responsibilities without any fear or hindrance. The Committee of Privileges of Lok Sabha considered the relevant aspects of parliamentary privileges and in its report recommended against codification of parliamentary privileges.

We should also see that the incident of 22 July 2008 during the debate on the Motion of Confidence moved by the Prime Minister, Dr. Manmohan Singh in Lok Sabha is never repeated anywhere. Following the incident, I constituted a seven-member Committee on 26 July 2008 to inquire into the complaints made by the three members who are alleged to have been approached with the offer of money for their votes. The Report of the Committee is awaited and all necessary action, as will be called for, will be taken after its submission.

At the last Conference, I had informed you about the constitution of several Parliamentary Fora in our Parliament and the institution of a Lecture series for the benefit of members. I had then mentioned about

four such fora—one each on Water conservation and Management, Youth, Women and Children, and Population and Public Health. Since then, we have constituted another Forum on Global Warming and Climate Change. These fora help members to interact with subject experts so as to gain a deeper understanding of issues and subjects and to discuss them inside the House and its Committees.

The Lecture Series that has been started for the Lok Sabha members has been found to be very informative and useful in terms of providing a deep insight into issues of contemporary relevance. 22 Lectures organized so far have been well received. We have also started an Annual Parliamentary Lecture, instituted in memory of Prof. Hiren Mukerjee, and the First Lecture was delivered by Nobel Laureate Prof. Amartya Sen on 'Demands of Social Justice' in August 2008.

The Lok Sabha also organized a Round Table Discussion on 4 September 2008 on "*Strengthening Parliamentary Democracy*", at which eminent parliamentarians, legal luminaries, renowned academics, veteran media persons and the civil society leaders expressed deep concern over the present unfortunate and disquieting state of our democracy, especially our parliamentary institutions, and called for urgent remedial measures to redress the situation. This is the first in a series of Round Table Discussions which I have initiated. It is my earnest hope that all stakeholders of democracy will take note of the consensus that emerges from such free and frank discussions among the leading personalities in various fields.

In this Conference, we will be discussing three important subjects, namely, *"Time Management in the House and Code of Conduct for Members", "The Need to Strengthen Public Faith in Democratic Institutions" and "Terrorism—A Threat to National Unity: Role of Legislatures".*

Legislative pre-eminence is the basic postulate of parliamentary democracy as the elected representatives are expected to articulate the people's problems, demands and aspirations. We are proud of being the largest democracy in the world, and we have made significant progress through the working of the parliamentary system of governance. However, there is now a growing sense of disillusionment and despair among a large section of our people because of the manner of functioning of the elected representatives and the representative bodies. The crisis of public faith is not so much with respect to the democratic institutions, as it is with the manner of their functioning for which the people who work such institutions have the primary responsibility. The

Legislature has come in for greater share of public criticism because of the conduct of members inside the Chambers of our Legislatures leading to frequent disruptions and the resultant inability of the House to transact business, wastage of time and public money.

Various factors are responsible for the problem in time management in our Legislatures. With the expansion of governmental activity over the years, the tasks of the Legislatures have become more complex, voluminous and diversified. As such, the programmes, policies and performance of all the Ministries and Departments do not always come up for close scrutiny of the House due to lack of time. Moreover, the problem has been compounded by the multiplicity of political parties and the need to allocate time to each of them. However, the most important factor contributing to time constraint lies in the conduct of members. Unruly conduct and interruptions leading to forced adjournments have been a serious problem in our Legislatures.

The Committee of Presiding Officers on *"Procedural Uniformity and Better Management of Time of the House"*, constituted in pursuance of the decision taken at the 62nd Conference of Presiding Officers of Legislative Bodies in India in 1998, examined the problem of time management and felt that a consensus ought to be arrived at regarding the minimum number of sittings of the Legislatures, and if needed, the Constitution should be amended. It also recommended that it should be made mandatory on the part of the Government that the duration of the Sessions of the House should be fixed in consultation with the Presiding Officer concerned and that more time should be made available for non-governmental business which may be possible, only if the duration of the Sessions is appropriately increased. While recognizing the importance of the so-called 'Zero Hour', it recommended that not more than 30 minutes per day be allotted to 'Zero Hour', which has to be regulated strictly. I believe the time has come when we must seriously consider the desirability of having the 'Zero Hour', because it has turned out to be the most unruly period of the House proceedings.

However, we should recognize that unless all stakeholders in the democratic system discharge their duties effectively, procedural rules and conventions will be of no effect. In this regard, members of our Legislatures and political parties have the most vital role to play. If a large party or a group of parties with substantial number of members are bent on disrupting the proceedings of the House in concert, the Presiding Officer can do little to run the House or to regulate its proceedings.

Today's political atmosphere, characterized by intolerance, divisiveness, confrontation and disrespect for dissent, is increasingly corroding our socio-political system. Confrontational politics, based on political polarization around primordial loyalties of caste, religion, region and language, has only accentuated existing societal fault lines. In many parts of the country, political power has become an instrument to promote a partisan and sectarian agenda, which is coming in the way of achieving an inclusive democracy. Our democratic institutions are, in large measure, reflective of the divisiveness in our socio-political life, thereby weakening their capacity in addressing meaningfully the problems the people are faced with. The aberrations now visible in the nation's democratic institutions are becoming more conspicuous in their nature, impinging on the principles of democratic accountability, transparency and probity in public life, which are threatening to become the norm rather than exceptions as was the case in the past.

As a result, and expectedly so, there is a growing sense of disillusionment among large sections of our people about the efficacy of our democratic governance structures and institutions to address the legitimate concerns and problems of different sections of society. When the democratic institutions continuously fail to tackle the genuine concerns and aspirations of the people, their faith in the utility of such institutions will be undermined as the institutions themselves will have lost the rationale behind their very existence which is to advance the public good and the welfare of the teeming masses. Our Legislatures are worst affected by the crisis of public faith and thus has a major share of responsibility to redress the situation. We have to deeply introspect and analyze what has gone wrong with the functioning of our institutions and what factors are responsible for the erosion of public faith in them.

The use of muscle and money power in our electoral process and criminalization of politics has vitiated the political environment in the country and also the smooth functioning of our Legislatures. Competitive and confrontational politics has seriously compromised the ability of the House to conduct its business in an orderly manner. Such disruptions and forced adjournments of House proceedings not only cause wastage of precious time of the House resulting in wastage of huge sums of taxpayers' money, important legislations, and even the Budget, are passed without debate due to disruptions. Forced adjournments make the House to suspend the Question Hour, thereby denying opportunities to Members who want to raise issues of public importance on the floor of the House. All this amounts to abdicating the responsibility of

ensuring the accountability of the Executive to the Legislature, which is the foundational basis of parliamentary governance. Such disruptions have only accentuated the public disillusionment about the working of our democratic institutions.

Dignified conduct of people's representatives is essential not only when they are Inside the Chambers of our Legislatures, but also in society at large. An impression has gained ground that people with access to political power, resource and influence can remain out of the reach of the legal processes. We need to urgently address the issue of decline of personal integrity and probity in public life, and to reinforce public faith in our democratic institutions.

Today, justifiably, there is a growing demand to introduce a system of 'recall' to deal with elected representatives who ignore the interests of the people and are guilty of malfeasance and improper conduct or indulge in corrupt or criminal activities. The "right to recall" is based on the principle that elected members of representative bodies should be accountable and answerable to their constituents at all times, both inside and outside the Legislatures. If a member is found to be insensitive, incompetent, corrupt, indifferent to the problems of the people, his duties, or indulge in activities or behave in a manner unbecoming of a people's representative, I feel, his constituents should be in a position to demand his recall before the expiry of his term.

To my mind, the time has come when as Presiding Officers, we should not look on helplessly and allow the whole system to steadily degenerate, but take a pro-active stand to tackle the issues head on. In this context, I strongly recommend that we begin with setting our Houses in order, literally. The Lok Sabha made history when it expelled ten of its members in 2005 in the 'cash for query scam'. This exemplary adherence to its commitment to good conduct has continued with the three-month suspension of four members of the Lok Sabha in 2006 for their role in irregularities related to the MPLADS funds. The Inquiry Committee looking into the incident of 22 July during the debate on the Trust Vote is likely to submit its report shortly and appropriate action will be taken on the basis of its findings. It is an undeniable fact that such incidents have caused incalculable damage to the dignity of the Lok Sabha as the highest elected representative body, and have undermined public confidence in our elected representatives and parliamentary democracy as such. The House has demonstrated its resolve to cleanse itself, and this process of self-cleansing must continue, should there be any such occasion in future.

It has been my constant endeavour to improve the functioning of Parliament and to enhance its image in the eyes of the people. As the Presiding Officer of the House of the People, it has been my sincere effort to prevent scenes of disruptions inside the House by meeting leaders of various political parties and groups so as to enlist their cooperation and help for the smooth conduct of proceedings of the House. While assurances of providing support have been forthcoming, they are unfortunately followed more in their breach than in their observance. As Presiding Officers, we have an onerous, responsibility to run the House smoothly, and, therefore, we need to seriously deliberate on what measures to adopt in such situations. I have made it unmistakably clear that I will no longer hesitate to invoke the provisions of the Rules of the House in case of gross indiscipline inside the House.

It has also been my endeavour to bring Parliament closer to the people. The introduction of a full-fledged 24-hour Lok Sabha Television Channel has enabled the people to see live the way their representatives discharge their responsibilities inside the Chamber of the Lok Sabha. Our people are now showing greater interest in watching the proceedings of Parliament. The viewership surveys indicate that the people are watching closely how their representatives behave themselves and how truly our democratic institutions live up to their expectations.

In a democracy, the media plays important role as an interface between the democratic institutions and the people. Unfortunately, competitive journalism and the obsession with market share have taken a big toll on responsible reporting. Though it is undeniable that it has been instrumental in uncovering the misdemeanour of people's representatives enabling Parliament to take strict action against them, the media has been more interested in covering the undignified acts of members inside Parliament and the pandemonium and adjournments such acts lead to rather than the sincere efforts and valuable contributions of many Members to structured debates and discussion. I appeal to my friends in the media also to highlight the good work done by sincere and committed members inside the House and its Committees.

The third subject which will be taken up for discussion is "Terrorism—A Threat to National Unity: Role of Legislatures". None will disagree that, today, terrorism has emerged as a grave threat not only to peaceful and civilized existence as individuals, but also to national well being. The menace of terrorism has spread its activities widely and has assumed new dimensions with international involvement and the use of sophisticated weaponry, professional training and networking.

The inhuman and barbarous acts of terrorism inflicted on the innocent population of Delhi apart from other places like Jaipur, Hyderabad and Ahmedabad only last week clearly underscore the gravity of the evil of terrorism.

Terrorists have today vitiated the social and political environment by unleashing a kind of tyranny over the minds of the people. The objective of terrorists is not merely to inflict grave physical damage on lives and properties but also to disrupt civilized existence and orderly social relations by creating hatred and disharmony in society. Terrorists pose a threat to democracy by their very nature, and today their chief targets are open democratic societies. They do not hesitate to exploit the strengths of democracy such as the freedom of movement, open access to public places, and relatively transparent resources of information in the public domain to execute their nefarious designs. No civilized society can tolerate it.

We, as a nation and a democratic polity are committed to taking all democratic and lawful steps to counter the evil of terrorism, including the enactment of effective laws and amending existing laws to fine-tune them to the requirements of the situation and seeking the cooperation of other countries in combating the scourge of terrorism.

Specifically, the role of Legislatures in fighting terrorism is to evaluate the work done by Governments and to ensure that the agencies responsible for the task of fighting terrorism carry out their responsibilities faithfully and within the bounds of the law. Legislatures have also to ensure that the laws enacted by them are not abused and the rights and liberties of the common people are not unduly encroached upon, that may defeat the very purpose of counter-terrorism laws which is basically to ensure public security.

While extraordinary laws are sometimes required to deal with extraordinary situations arising out of terrorist violence, the irony is that such extraordinary laws are prone to abuse leading to the undermining of the rule of law. The first and foremost impact of such laws is felt by law-abiding citizens whose fundamental rights and liberties at times are encroached upon without providing for the timely and proper redressal of their grievances. The power given to the law-enforcement agencies entrusted to tackle such situations are often abused defeating the very purpose of such laws. The observation of the Supreme Court in the *People's Union for Civil Liberties Vs. Union of India* case, has assumed a great deal of importance wherein it observed that the "protection and promotion of human rights under the rule of law is

essential in the prevention of terrorism" and that if human rights are violated in the process, it will become "self-defeating". It also observed that the "lack of hope for justice provides breeding grounds for terrorism", thus, human rights have to be scrupulously respected in the fight against terrorism.

I believe, we need to adopt a multi-dimensional approach to addressing the menace of terrorism. There is a feeling that we need to strengthen our laws. However, laws and institutional apparatuses lose their potency in the sea of political ambivalence and divisiveness. As Presiding Officers, we cannot but regret the state of affairs, particularly in our Legislatures, which we preside over, and the manner of functioning of our democratic institutions in general. In my view, our deliberations on each of the three subjects have a lot to bear on the others.

Friends, whatever drawbacks and imperfections we may point out in our polity, nobody can dispute the fact that we are the largest working democracy in the world—a fact that gives us a sense of abundant pride. If we sincerely believe that democracy is our most valuable political legacy, then we also need to make suitable changes in our individual and collective behaviour to strengthen our democratic institutions. We can do this only when the undemocratic elements are weeded out from our democratic institutions and an orderly functioning of such institutions is ensured. The Conference of Presiding Officers assumes importance in this regard due to their knowledge and experience with the strengths and weaknesses of the system and the opportunity to share and learn from each other's experiences. I earnestly hope that the deliberations in this Conference will be productive and useful for the Presiding Officers as well as the members of our legislative bodies.

Before I conclude, I heartily thank the Honourable Chief Minister of Haryana and his Cabinet colleagues, the Honourable Speaker and the Honourable Deputy Speaker of the Haryana Vidhan Sabha, the Secretary and the Staff of the Vidhan Sabha Secretariat and all those associated with the organization of this Conference for the excellent arrangements and for their gracious hospitality.

With these words, I have great pleasure in inaugurating the 73rd Conference of Presiding Officers of Legislative Bodies in India.

Thank you.

4

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE SYMPOSIUM ON "ANTI-DEFECTION LAW– NEED FOR REVIEW", 23 SEPTEMBER 2008

A Symposium on "Anti-Defection Law—Need for Review" was held at Chandigarh on 23 September 2008, after the Seventy-third Conference of Presiding Officers of Legislative Bodies in India.

We reproduce below the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Symposium.

—Editor

Honourable Chief Minister, Honourable Deputy-Speaker, Lok Sabha; Honourable Speaker, Haryana Legislative Assembly; Honourable Presiding Officers from the State Legislatures; Honourable Ministers; Honourable Legislators; Secretaries-General of Lok Sabha and Rajya Sabha; Secretaries from the State Legislative Bodies; Secretaries of the Punjab and Haryana Vidhan Sabhas; and Ladies and Gentlemen:

It is a matter of great happiness to be here with you all at this Symposium, which is going to discuss an important subject, namely, *"Anti-Defection Law—Need for Review"*, being held as part of the Conference of Presiding Officers. Political defections and splits in parties have been a regular feature of Indian politics for several decades. It was after painstaking endeavours spread over almost a period of two decades that the Anti-Defection Law could find place on the statute book with the passage of the Fifty-second Constitution Amendment Act in 1985, which introduced the Tenth Schedule to our Constitution—for which we must pay our tribute to Shri Rajiv Gandhi. The Objects and Reasons of the related Amendment Bill clearly stated and I quote: "The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it." Today, even twenty-three years after coming into force of the Anti-Defection Law, the concern still remains.

Political defection among legislators is indeed a matter of great concern, which affects the stability of the Governments and is indeed

destructive of the true principles of parliamentary democracy. The Supreme Court in the case of *Kihota Hollohon* vs. *Zachilhu & Ors.* (*AIR 1993 SC 412*) has observed that: "These provisions in the Tenth Schedule give recognition to the role of political parties in the political process. A political party goes before the electorate with a particular programme, and it sets up candidates at the election on the basis of such programme. A person who gets elected as a candidate set up by a political party is so elected on the basis of the programme of that political party... that political propriety and morality demand that if such a person, after the election, changes his affiliation and leaves the political party which had set him up as a candidate at the election, then he should give-up his membership of the Legislature and go back before the electorate."

Friends, the Indian polity has had to contend with the menace of political defections for a long time. The 1960s and 1970s witnessed a surge in political defections causing, on several occasions, political instability both at the Centre and in the States. The genesis of the endeavours for bringing forward a legislation in India for curbing the malaise of defections can be traced to a Private Member's Resolution moved in the Fourth Lok Sabha by Shri P. Venkatasubbaiah. The adoption of that Resolution eventually led to the constitution of the Parliamentary Committee on Defections in the late sixties, followed by attempts to enact the Constitution (Thirty-second) Amendment Bill, 1973 and the Constitution (Forty-eighth) Amendment Bill, 1978. These attempts, laudable as they were, did not yield significant results.

A serious attempt to tackle this situation was made in 1985 with the passage of the Anti-Defection Law as was contained in the Constitution (Fifty-second) Amendment Act. The Act sought to curb individual defections in the Legislatures by providing for disqualification of the defecting member while it allowed splits, if it involved one-third of the strength of the party in the Legislature; and mergers of political parties under certain conditions, thereby seeking not to suppress political dissent, an essential prerequisite for a healthy democracy. However, the fact remains that the operation of the Act, over the years, indicated many grey areas in the law. Braking away with the support of one-third of the members of the party appeared easy and defections could not be checked, especially so far as the smaller parties were concerned.

As a consequence, demands were made from various quarters for strenghtening the Anti-Defection Law so as to achieve the desired result. The Constitution was amended in 2003 through the Constitution

(Ninety-first) Amendment Act to rectify what seemed to be a lacunae. The amendment omitted the provision relating to splits from the Tenth Schedule to the Constitution and also provided that a member disqualified under the provisions of the Tenth Schedule shall also be disqualified for being appointed as a Minister or for holding a remunerative political post for the duration of the period commencing from the date of his disqualification till the expiry of the term of his office or till he is elected again. Thus, the new law provides that the 'split' would no longer be a defence.

The basis of a functional parliamentary democracy rests on the party system where parties have their policies and programmes with different priorities. Since our Independence, when India became a Republic and adopted the system of parliamentary democracy, we have seen gradually the weakening of the strength of the leading parties resulting in the formation of multiplicity of parties, having conflicting ideologies, programmes and policies. For the last few decades, no single party has been able to earn the people's confidence resulting in the coming together of parties whose members are elected in the House with different programmes and ideologies and form coalition Governments. I am talking of the Lok Sabha.

The result has been that both at the Centre and in the States Governments have been formed on occasions by political parties with disparate programmes and ideologies, who combine only with the object of acquiring power, even by encouraging defections from one party to another and forming unprincipled coalitions which has greatly resulted in vitiating the political morality in the country. Politics based on certain values and well-defined policies and priorities has become a casualty leading to vitiating the political atmosphere and creating uncertainties in the governance structure. Often allegations of horse-trading are made of which we have seen recently a most sordid spectacle. Parties who fight each other bitterly during the election come together immediately after the election, only for the purpose of sharing power. Such unprincipled coalitions brought about only to grab power have resulted in the people losing respect for our political system as a whole. The country has witnessed instances when some members elected as independent candidates are persuaded to support one or other of the big parties with the offer of Cabinet posts to enable the formation of a Government.

Unfortunately, the spectacle of *ayarams* and *gayarams* still remains the bane of our political system. There have been many instances of post-poll understanding or adjustments between the different political

parties only for the purpose of formation of Government. This has resulted in disparate groups coming together without having any common policies and ideologies.

The situation still continues to remain largely destructive of the principles of parliamentary democracy as defections motivated by power and opportunism continues to be one of the debilitating features of our political system, There has to be a concerted effort to see that political defections are totally banned or at least are not rewarded.

At the Conference of the Presiding Officers held in 1998. there were detailed deliberations on the need to review the Tenth Schedule to the Constitution and a Committee of Presiding Officers was constituted under the Chairmanship of Shri Hashim Abdul Halim, Honourable Speaker of the West Bengal Legislative Assembly, The Committee, after in-depth deliberations, identified certain problem areas in the law and recommended measures to bring about amendments in the Tenth Schedule to further strengthen the law. This apart, institutions like the Law Commission of India, Election Commission, and the National Commission to Review the Working of the Constitution have also expressed their concerns and have made suggestions for amendments to the Anti-Defection Law. But, not much headway has been made in this direction. In this respect I must stress some of the very important issues, those read by the Honourable Speaker of the Assembly here and also the Honourable Minister regarding certain definitions as to what the ambit of the expressions 'political party' , 'legislature party', "original political party". I agree with this. This matter should, I believe, demand urgent attention by all concerned especially the Presiding Officers also because they have to interpret the meanings of these expressions.

Under the provisions of the Tenth Schedule to the Constitution, the Presiding Officers of the Houses of Legislature have been given the authority to decide questions of violation of the provisions of Anti-Defection Law. However, over the years the exercise of this power by the Presiding Officers has caused controversy and in many cases allegations of political considerations being applied by the Presiding Officers in deciding the matters of defection have been made, which considerably affects the dignity of the high office of the Presiding Officer. It may be that in some occasions unfortunately there have been causes to justify *prima facie* such allegations.

While discharging their functions under the Tenth Schedule of the Constitution, the Presiding Officers are treated as Tribunals exercising

specific jurisdiction as conferred by the Schedule. Such exercise of power is *dehors* the constitutional authority of the Presiding Officers to have exclusive jurisdiction to regulate the proceedings of the House and as such, the Presiding Officers are not immune from their orders being challenged in courts of law. In many cases not only such orders have been set aside by the judicial authorities but adverse comments have also been made. It has recently appeared in the media that a Presiding Officer of one of the Legislative Assemblies in our country has been directed by the court to indicate the time within which a pending matter relating to defection will be disposed of by the Presiding Officer, as a grievance has been made before the Court, as it appeared from the media that the concerned Presiding Officer was deliberately delaying the disposal of the matter before him.

The Judiciary has taken up matters where the decisions of the Presiding Officers under the Tenth Schedule of the Constitution have been challenged and this jurisdiction has been upheld by the Supreme Court of India.

It is my considered view that it is desirable and indeed necessary, that the jurisdiction and authority to deal with matters of defection as provided in the Tenth Schedule need not continue to be exercised by the Presiding Officers and the power should be conferred on some other authority like a special Tribunal comprised of people well-versed in law or on an authority like the Election Commission.

To my mind, the exercise of power and jurisdiction by the Presiding Officer of any House should not be subjected to such scrutiny, meaning judicial scrutiny, which considerably affects the status and the position of the Presiding Officers. With all respect to the Judiciary, whose jurisdiction cannot be denied, it will be fit and proper and indeed, to my mind, desirable that Presiding Officers do not continue to be under such judicial scrutiny which in many cases has given rise to, in my opinion, avoidable tension between two constitutional authorities.

I would request the Honourable Presiding Officers present here to consider the matter with all seriousness, so that suitable recommendation may be made by this Conference to change the provisions of the Constitution whereby the Presiding Officers will be relieved of, what in my opinion, an unwelcome jurisdiction.

I am sure, the deliberations at this Symposium will throw new light on this subject of vital importance, which will enable us to embark upon comprehensive political and legal reforms to tackle the problem of defection, which has weakened our polity.

With these comments of mine, I certainly commend very strongly the suggestions made by both the Honourable Speaker and the Honourable Chief Minister about som of the reforms that are necessary. I wish the deliberations all success.

Thank you very much.

FIRST ROUND TABLE DISCUSSION ON "STRENGTHENING PARLIAMENTARY DEMOCRACY" NEW DELHI, 4 SEPTEMBER 2008

Parliamentary democracy is a participatory system in which the people, the Parliament and the Executive have their own responsibilities and roles to play. In order to draw the attention of the nation to the need to protect and strengthen the parliamentary system of the country, a Round Table Discussion on "Strengthening Parliamentary Democracy" was organized in the Main Committee Room of the Parliament House Annexe on 4 September 2008. A panel of 22 distinguished dignitaries participated in the Discussion. We reproduce a gist of the discussion held on the occasion.

—Editor

A Round Table Discussion on "Strengthening Parliamentary Democracy" was organized in the Main Committee Room of the Parliament House Annexe on 4 September 2008. The idea of a Round Table discussion on this subject was mooted by Shri Somnath Chatterjee, Speaker, Lok Sabha in order to draw the attention of the nation to the need to protect and strengthen the parliamentary system of the country.

A panel of 22 distinguished dignitaries who have excelled in their respective areas and participated in the discussion were: S/Shri Inder Malhotra, H.K. Dua, B.G. Verghese, Prabhas Joshi, Kuldip Nayar and Harish Khare from Media; Prof. B.B. Bhattacharya, Prof. S. Thorat, Shri Deepak Pental from Academics; S/Shri Soli Sorabjee, Fali S. Nariman, T.R. Andhyarujina, Rajendra Sachar, Anil Divan and Shanti Bhushan from Legal Fraternity; Shri Jaswant Singh, Dr. E.A.S. Sarma, Dr. Girija Vyas, Dr. Bimal Jalan, Prof. M.S. Swaminathan, Swami Agnivesh and Shri Era Sezhiyan, eminent persons and civil society leaders.

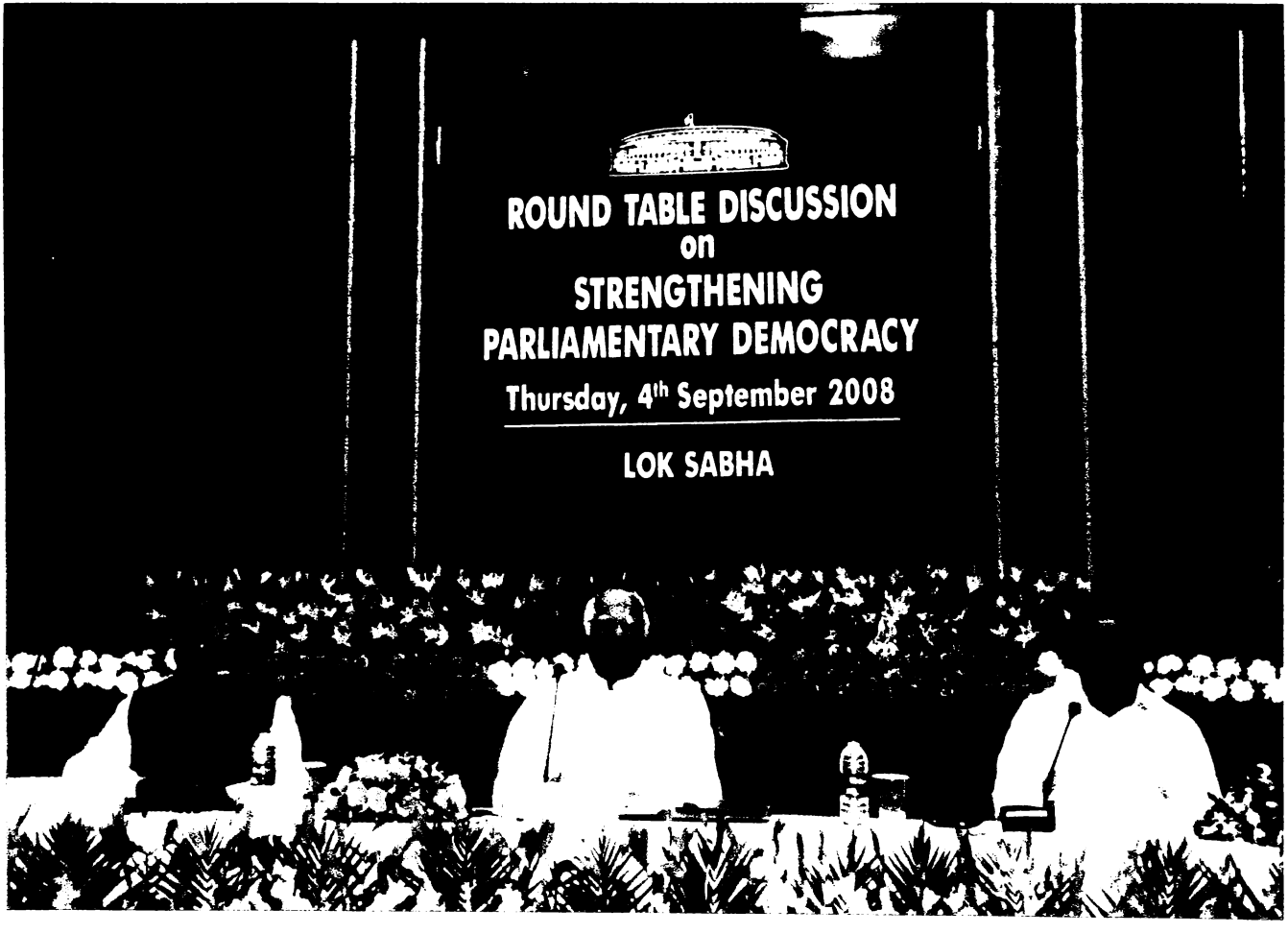
In his welcome address, Secretary-General, Lok Sabha observed that parliamentary institutions are the life blood of democracy. As such, in order to protect democracy, it is necessary to protect the institutions of democracy. A reference was made to the changing times and changing social dynamics which had brought about a paradigm shift in the conduct of the legislators and created a situation where the Legislatures find themselves unable to function smoothly. It

was pointed out that a serious perceptional problem had arisen in regard to the purpose and effectiveness of the House(s) of Legislatures as forums where the people shape their destiny. Acknowledging the contributions made by the Speaker, Lok Sabha in strengthening the parliamentary system which injected new dynamism into it, a reference was also made to his earlier initiatives taken with regard to informing the House about the status of implementation of the recommendations of the Parliamentary Committees, constitution of Parliamentary Forums and Parliamentary Friendship Groups and setting up of Lok Sabha T.V. Channel and high-tech story-telling Museum.

Initiating the discussion, the Speaker, Lok Sabha, apart from highlighting the feeling of discontent in the country, pointed out that some sort of cynicism has developed as the young people hardly take interest in knowing what is happening in Parliament and the impression has got currency that Parliamentarians' conduct has been such that in some cases it is not only undesirable but also deplorable. The Speaker, Lok Sabha invited views on the question of as to how to check the cynicism and how to check the lack of interest in Parliament. He lamented over the fact that there had been adjournments and disruptions of the Question Hour and members were even coming into the Well of the House. These have affected the smooth functioning of the Parliament. Turning to Media, he wondered whether the print media or even the electronic media gives importance also to excellent discussions which take place in the House on many important occasions. He felt that the media, apart from the civil society, should also react strongly to the improper conduct of members in the House. He also invited the attention of the delegates to a situation of fractured polity and pointed out that politics is becoming more and more confrontationist.

The delegates participating in the discussion expressed their views on different aspects of the subject. It was observed, that, today the emphasis is not so much on democracy but on the subject, 'Parliamentary democracy', because that is what really has sustained our Republic for more than 60 years and will continue to do so.

A question was posed by a participant whether the Presidential form of Government would have been better. At one point of time a question was also posed as to whether we can expect our members of Parliament to be completely detached from the changing values in the society in which we are growing. It was observed that in a parliamentary system, political parties are very important entities for the success of the parliamentary democracy. It was also mentioned that how the political parties are structured, that needs to be seen



The Speaker, Lok Sabha, Shri Somnath Chatterjee addressing the delegates at the discussion

very closely in giving a new dimension to Indian politics. The fragmentation of polity which has led to the neglect of national issues, demands a positive role of the ruling party. A suggestion came from the participants that the Anti-Defection Law should be applied to a party also which joins the Government. As such, an amendment to the Anti-Defection Law was suggested to provide that if any party which joins the ruling party initially and if at any point of time later that party leaves the ruling party, then it should be declared 'defector'.

It transpired during the discussion that there are large number of political parties at the national level. So, some areas of cooperation among the parties have to be there. Though the Common Minimum Programme (CMP) is being followed in relation to alliances but there has to be a National Common Minimum Programme (NCMP) in areas like environment, population, food security and hunger. It was urged that there should be some NCMP irrespective of the party that comes to power. This is being practised in many countries where democracy is functioning.

A view was expressed that democracy has to start from below and from the village level. It was also opined that there would arise some difficulties because our society itself as is not yet accustomed to the democracy at the grass-roots level. The matter needs to be debated and discussed as to how democracy can be strengthened at the grass roots level so that gradually it will have an impact at the higher levels of democracy. In this connection, a suggestion was made that a conscious attempt be made to implement the Constitution 73rd and 74th Amendments in letter and spirit.

With regard to the role of Planning Commission, it was observed that democracy will not survive if there is a feeling of widespread injustice and disparities in the development of the country. The question of openness and transparency in understanding public issues in the light of accountability of the Government was also raised. The enactment of the Right to Information Act was appreciated in this context.

The responsibility of the media in strengthening the political system *i.e.*, the parliamentary system of democracy was also emphasized. Media must correct itself to give a balanced picture of the parliamentary activity which will restore the faith of the common man in Parliament. On disruption of proceedings of the House by the political parties a suggestion was put forth that the Election Commission should be enabled to cancel the recognition of that political party. A mention was also made about fixing the age limit for qualifying to be a member. A

point for having a third Chamber of wise and experienced men was also mooted. The criminalization of politics and the evil of rising corruption, issues of electoral politics and reforms and formulation of code of conduct for political parties were some of the other points which found place in the discussion.

Summing up, the Speaker, Lok Sabha observed that the parliamentary democracy is the most suitable system and it should continue to prevail with great vigour to look after people's problems and find out solutions. Since there is no alternative to parliamentary democracy, all our endeavours should be directed to improve its functioning. We have to find out solutions through structured discussions, proper debate on public issues and by maintaining proper respect for each other. The Speaker, Lok Sabha wished that he will continue to receive valuable suggestions in this regard, which he termed as guidance for strengthening the great institution of parliamentary democracy.

6

INAUGURAL PROF. HIREN MUKERJEE MEMORIAL PARLIAMENTARY LECTURE

The Parliament of India has instituted an Annual Parliamentary Lecture in honour of Prof. Hiren Mukerjee to carry forward his illuminating discourse on issues of contemporary relevance on the initiative of Shri Somnath Chatterjee, Speaker, Lok Sabha.

Prof. Hiren Mukerjee served the Lok Sabha for five consecutive terms from 1952 to 1977. He spoke eloquently on the issues of the times and the need for public policies that would lead to an egalitarian society. He had indeed made a great contribution towards strengthening parliamentary democracy and institution.

The feature covers the highlights of the event.

—Editor

On 11 August 2008, Nobel Laureate and Lamont Professor at the Harvard University, Prof. Amartya Sen, delivered the Inaugural Prof. Hiren Mukerjee Memorial Parliamentary Lecture on the theme, *'Demands of Social Justice'* in the Central Hall of Parliament House. The Vice-President of India and Chairman, Rajya Sabha, Shri Mohammad Hamid Ansari; the Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shrii Somnath Chatterjee; Union Ministers; members of Parliament; Governors and Chief Ministers of States and Union territories; and other distinguished invitees graced the occasion.

In his Welcome Address, the Lok Sabha Speaker, Shri Somnath Chatterjee, said that social justice is a theme, which was dealt with extensively by Prof. Hiren Mukerjee during his lifetime. He referred to Prof. Amartya Sen as an ardent and articulate advocate of a just and inclusive society, in which no section of the people, particularly the poor, will be denied social and economic opportunities and the fruits of progress and prosperity will be enjoyed by all. He also expressed gratitude to the Government of West Bengal for donating the portrait and to the *Upa-Rashtrapatiji* for kindly agreeing to unveil it.

The Prime Minister, Dr. Manmohan Singh, who was the Chief Guest at the function, in his Address, said that like Prof. Hiren Mukerjee, Prof. Amartya Sen is also the product of Bengali Renaissance. Referring to the National Common Minimum Programme, he said the

policies and principles of the Government are drawn from the world view of Prof. Amartya Sen, and that the Government has been trying to give a concrete shape to the idea of 'inclusive growth' or 'growth with a human face', what Prof. Sen has been advocating so passionately. Hailing the inspirational leadership of Shri Somnath Chatterjee, the Prime Minister said that he is a true inheritor of the legacy of Comrade Hiren Mukerjee.

In his Address, Shri Mohammad Hamid Ansari, Vice-President of India, who presided over the function, called Prof. Hiren Mukerjee an accomplished parliamentarian who enjoyed 'battling with foemen worthy of their steel' and watched with misgiving the emergence of category to which 'the decencies of discourse are irrelevant'. Referring to the choice of Prof. Amartya Sen to deliver the first lecture, he said that the celebrated author of *The Argumentative Indian* has spent a lifetime on problems of development and inequality.

Prof. Amartya Sen, in his lecture, said that there are momentous manifestations of severe injustice in our world today, such as appalling levels of continued child undernourishment, continuing lack of entitlement to basic medical attention of the poorer members of the society, and the comprehensive absence of opportunities of basic schooling for a significant proportion of the population. In this context, he felt that whatever else *nyaya* may demand, the reasoned humanity of the justice of *nyaya* can hardly fail to demand the urgent removal of these terrible deprivations in human lives.

He also felt that a Government in a democratic country has to respond to on-going priorities in public criticism and political condemnation. In this regard, he added that justice demands that we make a strong effort to identify the overwhelming priorities that have to be confronted with total urgency.

The Secretary-General, Lok Sabha, Shri P.D.T. Achary proposed the Vote of Thanks.

Earlier, the Vice-President of India, Shri Mohammad Hamid Ansari, unveiled a portrait of Prof. Hiren Mukerjee, which was painted by Shri Wasim Kapoor and donated by the Government of West Bengal. The Vice-President, Shri Mohammad Hamid Ansari also presented a memento to Prof. Amartya Sen. The Prime Minister, Dr. Manmohan Singh presented a shawl to the Nobel Laureate. A publication entitled 'Parliament of India' brought out by the Lok Sabha Secretariat to mark the occasion was presented by the Lok Sabha Speaker, Shri Somnath Chatterjee. Prof. Sen was given an honorarium of Rupees one lakh which he donated to the *Pratichi India Trust.*

The Speaker, Lok Sabha, Shri Somnath Chatterjee delivering the Welcome Address at the Inaugural Prof. Hiren Mukerjee Memorial Parliamentary Lecture by Nobel Laureate Prof. Amartya Sen in the Central Hall of Parliament House

The Vice-President of India, Shri Mohammad Hamid Ansari unveiling the portrait of Prof. Hiren Mukerjee in the Central Hall of Parliament House. Also seen in the photograph are the Prime Minister, Dr. Manmohan Singh; the Lok Sabha Speaker, Shri Somnath Chatterjee; Nobel Laureate Prof. Amartya Sen and the Lok Sabha Secretary General, Shri P.D.T. Achary

7

UNVEILING OF THE STATUE OF SHAHEED BHAGAT SINGH IN THE PARLIAMENT HOUSE

On 15 August 2008, the President of India, Smt. Pratibha Devisingh Patil unveiled the Statue of *Shaheed* Bhagat Singh at Courtyard No.5 in Parliament House.

The function held on this occasion was attended, among others, by: the Vice-President of India and Chairman, Rajya Sabha, Shri Mohammad Hamid Ansari; the Prime Minister of India, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the UPA, Smt. Sonia Gandhi; the Leader of Opposition in the Rajya Sabha, Shri Jaswant Singh; the Leader of Opposition in the Lok Sabha, Shri L.K. Advani; the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; the Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal; Union Ministers; members of Parliament; former members of Parliament; Secretaries-General, Lok Sabha and Rajya Sabha and other dignitaries. The dignitaries who attended the function also offered floral tributes at the Statue of *Shaheed* Bhagat Singh.

Shaheed Bhagat Singh belongs to the galaxy of freedom fighters in India who considered no sacrifice too great for the sake of liberation of the motherland from the bondage of foreign rule. With his undying faith in his principles, he refused to bow down even in the severest of adversities. A man of unrivalled patriotism and matchless courage, he laid down his life for the cause of the nation in the prime of his youth.

Beginning his education at his native village Banga in the Lyallpur* district of West Punjab, Bhagat Singh studied at the D.A.V. High School and the D.A.V. College at Lahore. He did his graduation in 1923 from the National College founded by Lala Lajpat Rai and Bhai Parmanand. Thereafter, he joined the Hindustan Republican Association (HRA) which was later renamed as Hindustan Socialist Republican Association (HSRA) in 1928. Earlier, with a view to strengthening the HRA and inculcating a spirit of revolution among the young peasants and labourers, Bhagat Singh founded the *Naujawan Bharat Sabha* in 1925.

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* Now in Pakistan

Bhagat Singh and the leaders of HSRA were deeply stirred by the death of Lala Lajpat Rai, a veteran national leader, due to injuries in a *lathi* charge on him during a demonstration against the Simon Commission in 1928. Bhagat Singh, along with his two associates, Chandra Shekhar Azad and Rajguru avenged the death of Lalaji by shooting down J.P. Saunders, a police officer involved in the assault. Later, Bhagat Singh, accompanied by B.K. Dutt, threw two bombs in the Hall of the Central Legislative Assembly while it was in session on 8 April 1929. The purpose was not to harm any one but to register protest of the country against the passage of certain repressive legislative measures by the British Government and arrest of several labour leaders in different parts of the country. After trial in a series of cases, Bhagat Singh, along with his two associates Rajguru and Sukhdev, was sentenced to death and sent to the gallows on 23 March 1931.

Bhagat Singh was a great socialist who had a true cosmopolitan outlook and who regarded the National Independence as a stepping-stone to the world federation. He advocated collective ownership of the means of production–land, labour and capital, which is borne out in the numerous letters and pamphlets and articles that he wrote during the course of his short and turbulent life. He also regularly contributed in the newspapers, the *Arjun* and the *Pratap* under the pseudonym 'Balwant Singh'; and also edited the Urdu newspapers *Kirti* and the *Akali* from Amritsar. Bhagat Singh's slogan "*Inquilab Zindabad*" later became the war cry of the Indian freedom struggle.

On the occasion, a booklet containing the profile of *Shaheed* Bhagat Singh, brought out both in Hindi and English by the Lok Sabha Secretariat, was also presented to all those who attended the function.

The bronze Statue of *Shaheed* Bhagat Singh, sculpted by Shri Ram V. Sutar, was donated by the Lok Sabha Secretariat.

Dignitaries after the unveiling the statue of *Shaheed* Bhagat Singh by the President of India, Smt. Pratibha Devisingh Patil at Parliament House on 15 August 2008

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PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The 54th Commonwealth Parliamentary Conference, Kuala Lumpur: The 54th Commonwealth Parliamentary Conference was held in Kuala Lumpur, Malaysia from 1 to 10 August 2008. The Indian Delegation to the Conference was led by Shri Somnath Chatterjee, Speaker, Lok Sabha and member CPA Executive Committee. Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly and Chairperson CPA Executive Committee and Shri K. Rahman Khan, Deputy Chairman, Rajya Sabha also attended the Conference. Shri Uday Narain Chowdhury, Speaker, Bihar Legislative Assembly and Shri Tanka Bahadur Rai, Speaker, Assam Vidhan Sabha attended the CPA Executive Committee Meeting as Regional Representatives from India Region.

The other members of the Delegation from India Union Branch were: Shri Sachin Pilot, MP (Lok Sabha); Shri Manvendra Singh, MP (Lok Sabha); Shri Bansagopal Choudhury, MP (Lok Sabha); and Dr.(Smt.) Kapila Vatsayan, MP (Rajya Sabha). Km. Selja, Minister of State (Independent Charge) of the Ministry of Housing and Urban Poverty Alleviation attended the Conference as a member of the Commonwealth Women Parliamentarians Steering Committee. Shri P.D.T. Achary, Secretary-General, Lok Sabha attended the Conference as Regional Secretary of CPA India Region and member of the Society of Clerks-at-the-Table. Dr. V.K. Agnihotri, Secretary General, Rajya Sabha and member of the Society of Clerks-at-the-Table attended the Conference as Observer. Shri R.C. Ahuja, Joint Secretary, Lok Sabha Secretariat was Secretary to the Delegation.

The Delegation from India Region also included the following delegates from the State CPA Branches of India: Shri Shrawan Kumar, MLA, Bihar Vidhan Sabha; Shri K.R. Suresh Reddy, Speaker, Andhra Pradesh Legislative Assembly; Dr. A. Chakrapani, Chairman, Andhra Pradesh Legislative Council; Shri Takar Marde, Deputy Speaker, Arunachal Pradesh Legislative Assembly; Shri Prem Prakash Pandey, Speaker, Chhattisgarh Vidhan Sabha; Shri Pratapsingh Raoji Rane, Speaker, Goa Legislative Assembly; Shri Ashok Chandulal Bhatt, Speaker,

Gujarat Legislative Assembly; Dr. Raghuvir Singh Kadian, Speaker, Haryana Vidhan Sabha; Shri Tulsi Ram, Speaker, Himachal Pradesh Vidhan Sabha; Shri Ghulam Nabi Lone, Chairman, Jammu and Kashmir Legislative Council; Shri Alamgir Alam, Speaker, Jharkhand Legislative Assembly; Shri K. Radhakrishnan, Speaker, Kerala Legislative Assembly; Shri Ishwar Das Rohani, Speaker, Madhya Pradesh Legislative Assembly; Shri Krishnajirao Rakhamajirao Desai alias Babasaheb Kupekar, Speaker, Maharashtra Legislative Assembly; Dr. Sapam Budhichandra Singh, Speaker, Manipur Legislative Assembly; Shri B.M. Lanong, Speaker, Meghalaya Legislative Assembly; Shri P.P. Thawla, Speaker, Mizoram Legislative Assembly; Shri Kiyanilie Peseyie, Speaker, Nagaland Legislative Assembly; Shri Prahlad Dora, Acting Speaker, Orissa Legislative Assembly; Smt. Sumitra Singh, Speaker, Rajasthan Vidhan Sabha; Shri D.N. Takarpa, Speaker, Sikkim Legislative Assembly; Thiru R. Avudaiappan, Speaker, Tamil Nadu Legislative Assembly; Shri R.C. Debnath, Speaker, Tripura Legislative Assembly; Shri Harbans Kapoor, Speaker, Uttarakhand Legislative Assembly; Shri Indrajit Tangi, MLA, West Bengal Legislative Assembly; Ch. Prem Singh, Speaker, Delhi Vidhan Sabha; and Shri R. Radhakrishnan, Speaker, Puducherry Legislative Assembly.

Shri Gauranga Prasad Das, Secretary, Assam Legislative Assembly; Shri H.R. Kuri, Secretary, Rajasthan Legislative Assembly; Shri Mahesh Chandra, Secretary, Uttarakhand Legislative Assembly; Shri M. Sivaprakasam, Secretary, Puducherry Legislative Assembly were the Secretaries from the State Branches who also attended the Conference.

The theme of the Conference *was "Expanding the Role of Parliament in Global Society: Environment, Development and Society"*. During the Conference, the following topics were discussed in the Workshops:

- Democracy and Global Peace—An International Order;
- Sustainable Development in the context of Rapid Urbanization and Rural decline;
- Credible Elections for a more Representative Parliament, Free and Fair Participation, Greater Diversity and Access to a Free Media;
- Reforming the Budget Process: Parliamentary Budget Offices and Effective Parliamentary Oversight;
- Collaboration among Large and Small States through International Organizations to Respond to Climate Change;
- Parliament and Civil Society: Engagement for Better Policy Making;

- The Role of Parliament in Conflict Prevention and Resolution; and
- Mechanisms to ensure Adequate Recognition of Women's Issues in Budgetary Processes.

There were two plenary sessions which were as follows:

- The Global Food Crisis; and
- The Communications Challenge for Parliament: Meeting the Information Needs of Members and the Public.

Shri Somnath Chattterjee, Speaker, Lok Sabha and member, CPA Executive Committee, delivered the Keynote Address at the final plenary on the subject *"The Communications Challenge for Parliament: Meeting the Information Needs of Members and the Public".*

Km. Selja, Minister of State (Independent Charge) of the Ministry of Housing and Urban Poverty Alleviation and CWP Steering Committee member from India Region, was one of the Discussion Leaders on the topic *"Mechanisms to Ensure Adequate Recognition of Women's Issues in Budgetary Processes".* Shri Tanka Bahadur Rai, Speaker, Assam Legislative Assembly, was the Discussion Leader on the topic *"Credible Elections for a more Representative Parliament, Free and Fair Participation, Greater Diversity and Access to a Free Media".*

Election of the Chairperson of Executive Committee, CPA: Hon'ble Datuk Seri Shafie Apdal, Minister of Unity, Culture, Arts and Heritage, Government of Malaysia was elected Chairperson of the Executive Committee, CPA for the period 2008-2011.

Election of Treasurer of CPA: Shri Hashim Abdul Halim, outgoing CPA Executive Committee Chairperson was elected Treasurer of CPA for the period 2008-2011.

Meeting of the Society of Clerks-at-the-Table at the 54th Commonwealth Parliamentary Conference in Kuala Lumpur: The General Meeting of the Society of Clerks-at-the-Table was held on 7 and 8 August 2008. Shri P.D.T. Achary, Secretary-General, Lok Sabha, apprised the delegates of the procedural developments in the Indian Parliament and presented a Paper on '*Parliamentary Privileges, Procedure and Practice*'. Dr. V.K. Agnihotri, Secretary-General, Rajya Sabha presented a Paper on '*Parliamentary Administration and Management*;' and a power-point presentation on *'Provision of Computers to Members of Rajya Sabha— A Study in Systems Improvement;'* and also brought up the subject '*Suspension of Question Hour*' for discussion during the meetings.

Annual Session of Parliamentary Conference on the WTO at Geneva: The Annual Session of Parliamentary Conference on the WTO was held in Geneva, Switzerland on 11 and 12 September 2008. Sarvashri Rupchand Pal and Kashi Ram Rana, both members of Parliament attended the Session. Shri N.C. Gupta, Deputy Secretary, Lok Sabha Secretariat was the Secretary to Delegation.

The Session was organized by the Inter-Parliamentary Union and the European Parliament to address the objective of enhancing external transparency of the WTO and make it accountable to legislators as the elected representatives of the people.

The Session provided the Parliamentarians an opportunity to obtain information on recent developments in WTO talks and consider ways of contributing to the revitalization of this process.

The 73rd Conference of Presiding Officers of Legislative Bodies in India: The 73rd Conference of Presiding Officers of Legislative Bodies in India hosted by the Haryana Vidhan Sabha was held at Chandigarh on 21 and 22 September 2008. The Conference was presided over by Shri Somnath Chatterjee, Speaker, Lok Sabha and Chairman of the Conference. Dr. Raghuvir Singh Kadian, Speaker, Haryana Vidhan Sabha was elected as Co-Chairman of the Conference. The Conference was attended by almost all Presiding Officers of the Legislative Bodies in India.

The Conference discussed/considered the following items on the Agenda:

- Need to evolve procedural devices and frame rules to control unruly behaviour of the members, their entry in the well of the House, obstruction in the business of the House and ensure improved time management;
- Need to strengthen public faith in Democratic Institutions;
- Terrorism—a threat to National Unity—Role of Legislatures; and
- Consideration and Adoption of the Report of the Committee of Presiding Officers to go into different aspects of the Future Pattern, including Funding of the Presiding Officers' Conference

The Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan and the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal also attended the Conference and participated in the discussions.

The following two Resolutions were adopted at the Conference unanimously:

(i) "The Presiding Officers of Legislative Bodies in India having assembled in their 73rd Conference at the Haryana Vidhan Sabha on 21st and 22nd September 2008 express their deep anguish and grave concern on the growing incidence of unruly behaviour, disruptions including entering into the well of the House, resorted to by the members, leading to frequent adjournments and loss of precious time of the House.

The Conference is of the view that such acts of disruption and forced adjournments hinder discussion on several important subjects of national and international importance and of issues which are of concern to the common man. The forced adjournment of the House also infringes upon the rights of the members. The acts of disruption and forced adjournments of the proceedings amount to the negation of duties which a legislator owes to his constituents. These acts also render nugatory the constitutional schemes of accountability of the executive towards the legislature, besides resulting in loss to the national exchequer.

The Conference urges upon the leadership of all political parties and other stakeholders to take immediate steps *inter alia* formulation of a Code of Conduct based on a wide consensus to ensure that the Legislators adhere to proper norms of conduct in the House."

(ii) "The Presiding Officers of Legislative Bodies in India having assembled in their 73rd Conference at the Haryana Vidhan Sabha on 21st and 22nd September 2008, unequivocally condemned all acts of terrorism irrespective of their motivation and called for strong and united action on the part of the Union and State Governments to eliminate it. The Conference urged upon the Union and the State Governments to effectively co-ordinate their efforts and efficiently utilize their resources and also take steps to enact appropriate laws to eliminate the scourge of terrorism."

The Presiding Officers of Legislative Bodies in India asked for taking urgent remedial measures to strengthen public faith in our democratic institutions by way of addressing the problems and the genuine needs of the people. The responsibility of the Presiding Officers in ensuring smooth running of the House was also highlighted. The Presiding Officers also wanted the media to highlight the good

work done by members and not simply give undue publicity to unruly behaviour and misconduct of members.

Symposium on "Anti-Defection Law—Need for Review": The Conference of Presiding Officers was followed by a Symposium on "*Anti-Defection Law—Need for Review*" on 23 September 2008. The Symposium was inaugurated by Shri Bhupinder Singh Hooda, Chief Minister of Haryana. Shri Somnath Chatterjee, Speaker, Lok Sabha, presided over the Symposium and delivered the Opening Address. Dr. Raghuvir Singh Kadian, Speaker, Haryana Vidhan Sabha delivered the Welcome Address. The Presiding Officers of the Legislative Bodies in India, members of Parliament from Haryana and members of Haryana Vidhan Sabha participated in the Symposium.

The Fifty-first Conference of the Secretaries of Legislative Bodies in India: The Conference of Presiding Officers was preceded by the Fifty-first Conference of the Secretaries of Legislative Bodies in India on 20 September 2008. Shri Sumit Kumar, Secretary, Haryana Vidhan Sabha delivered the Welcome Address. Shri P.D.T. Achary, Secretary-General, Lok Sabha and Chairman of the Conference, delivered the Inaugural Address. Dr. V.K. Agnihotri, Secretary-General, Rajya Sabha also addressed the Conference. The Principal Secretaries/Secretaries of almost all the States/Union Territory Legislatures attended the Conference.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

On the birth anniversaries of national leaders whose portraits adorn the Central Hall of Parliament House, functions are organised under the auspices of the Indian Parliamentary Group (IPG) to pay tributes to the leaders. Booklets containing profiles of these leaders, prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat, are brought out on the occasion.

The birth anniversaries of the following leaders were celebrated during the period 1 July to 30 September 2008:

Dr. Syama Prasad Mookerjee: On the occasion of the birth anniversary of Dr. Syama Prasad Mookerjee, a function was held on 6 July 2008 in the Central Hall of Parliament House. Shri Somnath Chatterjee, Speaker, Lok Sabha; Shri L.K. Advani, Leader of the Opposition in Lok Sabha; Shri Prithviraj Chavan, Minister of State in the Prime Minister's Office and Minister of State in the Ministry of Personnel,

Public Grievances and Pensions; members of Parliament; former members of Parliament and others paid floral tributes.

Lokmanya Bal Gangadhar Tilak: On the occasion of the birth anniversary of Lokmanya Bal Gangadhar Tilak, a function was held on 23 July 2008. Dr. Manmohan Singh, Prime Minister; Shri Somnath Chatterjee, Speaker, Lok Sabha; Shri L.K. Advani, Leader of the Opposition in Lok Sabha; Shri Jaswant Singh, Leader of the Opposition in Rajya Sabha; Shri Shivraj V. Patil, Minister of Home Affairs; Shri Vayalar Ravi, Minister of Overseas Indian Affairs and Minister of Parliamentary Affairs; Shri Pawan Kumar Bansal, Minister of State in the Ministry of Finance and Minister of State in the Ministry of Parliamentary Affairs; Shri V. Narayanasamy, Minster of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Planning; members of Parliament; former members of Parliament and others paid floral tributes.

Shri Rajiv Gandhi: On the occasion of the birth anniversary of Shri Rajiv Gandhi, a function was held on 20 August 2008 in the Central Hall of Parliament House. Dr. Manmohan Singh, Prime Minister; Shri Somnath Chatterjee, Speaker, Lok Sabha; Smt. Sonia Gandhi, Chairperson of UPA; Shri L.K. Advani, Leader of the Opposition in Lok Sabha; Shri Pranab Mukherjee, Minister of External Affairs; Shri K. Rahman Khan, Deputy Chairman, Rajya Sabha; Union Ministers; members of Parliament; former members of Parliament; and others paid floral tributes.

Shri Dadabhai Naoroji: On the occasion of the birth anniversary of Dadabhai Naoroji, a function was held on 4 September 2008. Shri Somnath Chatterjee, Speaker, Lok Sabha; Shri L.K. Advani, Leader of the Opposition in Lok Sabha; Shri Vayalar Ravi, Minister of Overseas Indian Affairs and Minister of Parliamentary Affairs; members of Parliament; former members of Parliament and others paid floral tributes.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

Foreign Parliamentary Delegations Visiting India

Bhutan: A 16-member Bhutanese Parliamentary Delegation led by Mr. Lyonpo Jigme Tshultim, Speaker of the National Assembly, Bhutan visited India from 25 August to 5 September 2008.

On 25 August 2008, the Delegation called on Shri Somnath Chatterjee,

Speaker, Lok Sabha who hosted a banquet in their honour the same evening.

On 26 August 2008, the Delegation called on the President of India, Smt. Pratibha Devisingh Patil and the Vice-President of India and Chairman, Rajya Sabha, Shri Mohammad Hamid Ansari.

On 27 August 2008, the Delegation had meetings with the Minister of External Affairs, Shri Pranab Mukherjee and the members of the Standing Committee on External Affairs.

On 28 August 2008, the Delegation called on the Prime Minister, Dr. Manmohan Singh.

Besides Delhi, the Delegation visited Agra, Amritsar and Chandigarh.

Meetings of Parliamentary Friendship Groups

India-European Parliament: A meeting between the President of India-European Parliamentary Friendship Group, Shri V. Kishore Chandra S. Deo, MP and Ms. Neena Gill, Chairperson, European Parliament Delegation for Relations with India was held on 13 August 2008.

India-France: A meeting between India-France Parliamentary Friendship Group led by Shri Mohammad Salim, MP and President of the Group and the visiting France-India Inter-Parliamentary Friendship Group in the French Senate headed by Mr. Pierre Fauchon, Senator and President of the Friendship Group was held on 16 September 2008.

Earlier on 15 September 2008, the members of the France-India Friendship Group had a meeting with the members of the Standing Committee on External Affairs and the members of the Committee on Home Affairs.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 July to 30 September 2008, the Bureau of Parliamentary Studies and Training (BPST) organized the following courses/programmes:

Prof. Hiren Mukerjee Memorial Parliamentary Lecture: The Inaugural Prof. Hiren Mukerjee Memorial Parliamentary Lecture was delivered by Nobel Laureate Prof. Amartya Sen on 11 August 2008 in the Central Hall, Parliament House on the theme, '*Demands of Social Justice*'. The Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Welcome Address. The Vice-President of India and Chairman, Rajya

Sabha, Shri Mohammad Hamid Ansari and the Prime Minister, Dr. Manmohan Singh also addressed the distinguished gathering. The Secretary-General, Lok Sabha, Shri P.D.T. Achary delivered the Vote of Thanks. Prof. Amartya Sen was presented a memento by the Vice-President of India and a shawl by the Prime Minister of India. A publication titled *"Parliament of India"* brought out by the Lok Sabha Secretariat on the occasion, was presented to Prof. Sen by the Speaker, Lok Sabha.

First Round Table Discussion: First Round Table Discussion* on *"Strengthening Parliamentary Democracy"* was organized in the Main Committee Room of Parliament House Annexe on 4 September 2008. The Round Table Discussion was initiated by Shri Somnath Chatterjee, Speaker, Lok Sabha. A panel of 22 distinguished dignitaries who have excelled in their areas of expertise participated in the discussion. Among those who participated in the discussion were: Sarvashri Jaswant Singh; Fali S. Nariman; Kuldip Nayar; Soli Sorabjee; Inder Malhotra; Deepak Pental; Shanti Bhushan; Rajendra Sachar; Prabhas Joshi; Anil Divan; Era Sezhiyan; H.K. Dua; T.R. Andhyarujina; B.G. Verghese; Prof. M.S. Swaminathan; Prof. B.B. Bhattacharya; Prof. S. Thorat; Dr. Bimal Jalan; Dr. Harish Khare; Dr. E.A.S. Sarma; (Dr.) Smt. Girija Vyas; and Swami Agnivesh.

Study Visits: During the period the following Study Visits were conducted by the Bureau: (i) Study Visit by the Delegation from the East-African Legislative Assembly from 8 to 10 July 2008; (ii) Study Visit by five officers of the National Assembly of Nigeria from 15 to 16 July 2008; (iii) Study Visit by a Delegation from the House of Representatives of the Parliament of Ethiopia from 4 to 7 August 2008; (iv) Study Visit by a Delegation from the House of People's Representatives from the SNNPRS (Ethiopia) from 26 to 28 August 2008; (v) Study Visit by a three-member team from the Public Service College, Tanzania on 17 September 2008; (vi) Study Visit by a Delegation of the Standing Committee on *"Constitutional Affairs and following-up the Budget Administration"* of Thailand on 23 September 2008; (vii) Study Visit by the officials of the Senate of the Kingdom of Thailand on 25 September 2008; (viii) Study Visit by the Members of the Constituent Assembly of Nepal on 26 September 2008; and

* For details, kindly refer to the Short Note on 'First Round Table Discussion' at pp. 451

(ix) Study Visit by a three-member Delegation from the National Assembly of Bhutan on 26 September 2008.

In addition, 7 other Study Visits for the benefit of officers/staff/ students from various organizations/institutes/schools were conducted by the Bureau. A total of 280 participants attended these study visits.

Appreciation Courses: During the period, Appreciation Courses in Parliamentary Processes and Procedures were organized for: (i) Senior Audit and Accounts Officers of the Office of the Comptroller and Auditor General of India, attended by 48 officers, from 7 to 11 July 2008; (ii) Trainee Officers of the Indian Forest Service; Probationers of the Indian Railway Stores Service (IRSS); and Probationers of the Indian Statistical Service, attended by 60 participants, from 21 to 25 July 2008; (iii) Probationers of Indian Foreign Service, attended by 18 participants, from 28 July to 1 August 2008; (iv) Probationers of the Indian Ordnance Factory Service (IOFS), attended by 19 participants, from 4 to 8 August 2008; (v) Probationers of the Indian Revenue Service and the Indian Economic Service, attended by 75 participants, from 18 to 22 August 2008; and (vi) Professors/Lecturers of Universities and Colleges, attended by 43 participants, from 15 to 19 September 2008.

Training Programmes/Courses: The Bureau also organised: (i) Training Course for Watch and Ward Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats, attended by 48 participants, from 25 to 29 August 2008; and (ii) Training Course for Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats providing Research, Reference and Information Services, attended by 25 participants, from 8 to 12 September 2008.

Management Development Programme: The Management Development Programme for middle level officers of the Lok Sabha, Rajya Sabha and State Legislature Secretariats was organized from 22 to 26 September 2008. In all, 47 participants attended the course.

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PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 JULY TO 30 SEPTEMBER 2008)

Events covered in this Feature are based primarily on reports appearing in the daily newspapers and, as such, the Lok Sabha Secretariat does not accept any responsibility for their accuracy, authenticity or veracity.

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Session of Parliament: The First Part of the Fourteenth Session of the Fourteenth Lok Sabha commenced on 21 July 2008. The House was adjourned *sine die* on 22 July 2008.

Commencement of Term of Rajya Sabha Members: Sarvashri Rajiv Pratap Rudy of the Bharatiya Janata Party (BJP) and Khekiho Zhimomi of the Nagaland People's Front (NPF) were declared elected to the Rajya Sabha from Bihar and Nagaland, respectively, in the elections held on 26 June 2008. The term of both the members commenced on 4 July 2008. While Shri Khekiho Zhimomi took oath/ affirmation on 24 July 2008, Shri Rudy took oath/affirmation on 11 August 2008.

Shri Lalhming Liana of the Mizo National Front (MNF) was declared elected to the Rajya Sabha from Mizoram in the election held on 19 June 2008. Shri Rajan's term of office commenced on 19 July 2008 and he took oath/affirmation on 24 July 2008.

On 9 August 2008, Dr. C. Rangarajan was nominated to the Rajya Sabha and his term of office commenced on the same day. Dr. Rangarajan took oath/affirmation on 18 August 2008.

Withdrawal of Support: On 9 July 2008, the four Left parties– Communist Party of India (Marxist), Communist Party of India, Revolutionary Socialist Party and Forward Bloc withdrew their support to the Congress-led United Progressive Alliance (UPA) coalition Government at the Centre.

Vote of Confidence: On 22 July 2008, the United Progressive Alliance (UPA) won the Vote of Confidence in the Lok Sabha by a margin of 19 votes after a two-day debate. The ruling coalition secured 275 votes as against 256 by the Opposition National Democratic Alliance (NDA). As many as 10 members were absent or abstained from voting.

Lok Sabha Speaker Expelled from the Party: On 23 July 2008, the Communist Party of India (Marxist) expelled Lok Sabha Speaker Shri Somnath Chatterjee from the primary membership of the party. The party wanted him to resign before the two-day special session of the Lok Sabha, which began on 21 July 2008.

Expulsion of Party MPs: On 23 July 2008, the BJP expelled from primary membership eight of its MPs, who had either voted for the Trust Motion in the Lok Sabha or abstained. The expelled MPs are: Sarvashri Brij Bhushan Sharan (Uttar Pradesh), Somabhai Patel (Gujarat), Manjunath Kunnur and H.T. Sangliana (both from Karnataka), who had voted in favour of the Government; Manorama Madhavraj (Karnataka), Chander Bhan Singh (Madhya Pradesh), Haribhai Rathore (Maharashtra) and Babubhai Katara (Gujarat), who had abstained.

The Telugu Desam Party (TDP) expelled Dr. M. Jagannath, MP for defying the party whip and voting in favour of the United Progressive Alliance Government "for monetary considerations", during the trust vote.

The Shiv Sena expelled Shri Tukaram Renge Patil, MP, from the party for not being present during the trust vote in the Lok Sabha.

On 24 July 2008, the Janata Dal (Secular) expelled its member of Parliament Shri M. Shivanna, for defying the party whip and voting in favour of the United Progressive Alliance Government in the vote of confidence in Parliament.

The Janata Dal (United) announced the expulsion of its two MPs—Sarvashri Ram Swaroop Prasad from Nalanda (Bihar) and P.P. Koya from Lakshadweep, who had defied the party whip to vote against the Government. Shri Prasad had voted in favour of the Government, while Shri Koya abstained.

Disqualification of Rajya Sabha Member: On 4 July 2008, Rajya Sabha Chairman, Shri Mohammad Hamid Ansari disqualified Shri Isam Singh of the Bahujan Samaj Party (BSP) from the membership of the House, under the Tenth Schedule of the Constitution.

Resignation of Rajya Sabha Member: On 23 September 2008,

Shri Debabrata Biswas of the All India Forward Bloc resigned from the membership of the House.

Death of Lok Sabha Members: On 4 August 2008, Shri D.C. Srikantappa, BJP member from Chikmagalur (Karnataka) Lok Sabha constituency passed away.

On 4 September 2008, Shri Kishan Lal Diler, Bharatiya Janata Party (BJP) member from Hathras (Uttar Pradesh) Lok Sabha constituency passed away.

Disqualification of Lok Sabha Members: On 10 September 2008, the Lok Sabha Speaker, Shri Somnath Chatterjee disqualified Shri Kuldeep Bishnoi (INC) from the membership of the House, under the Tenth Schedule to the Constitution.

On 11 September 2008, the Speaker, Lok Sabha disqualified Shri Jai Prakash (Samajwadi Party), under the Tenth Schedule to the Constitution.

On 12 September 2008, the Speaker, Lok Sabha disqualified Prof. S.P. Singh Baghel (Samajwadi Party) under the Tenth Schedule to the Constitution.

AROUND THE STATES

ASSAM

Expansion of Cabinet: On 2 September 2008, Chief Minister Shri Tarun Gogoi inducted Shri Akon Bora as the Cabinet Minister (Social Welfare and Jail) into his Council of Ministers.

DELHI

Change of Party: On 23 September 2008, Shri Dayanand Chandila, BJP MLA resigned from the party and joined the INC.

GOA

New Governor: On 8 July 2008, Shri Shivinder Singh Sidhu was appointed as the Governor of Goa. He was sworn in on 21 July 2008.

HIMACHAL PRADESH

New Governor: On 19 July 2008, Smt. Prabha Rau was sworn in as the Governor of Himachal Pradesh. She succeeded Shri Vishnu Sadashiv Kokje.

JAMMU AND KASHMIR

Resignation of Government: On 7 July 2008, Chief Minister Shri Ghulam Nabi Azad resigned after withdrawing his Confidence Motion at a Special Session of the State Legislative Assembly. Governor Shri N.N. Vohra had asked Shri Azad to prove his majority on the floor of the House following the withdrawal of support by the People's Democratic Party on 28 June 2008.

Imposition of Governor's Rule: On 10 July 2008, Governor Shri N.N. Vohra issued the proclamation imposing Governor's rule in the State.

JHARKHAND

Death of JD (U) MLA: On 9 July 2008, Shri Ramesh Singh Munda, a Janata Dal (United) MLA was shot dead by the suspected Maoists in Bundu, Sub-divisional town in Ranchi.

Withdrawal of Support: On 17 August 2008, the 17-member Jharkhand Mukti Morcha (JMM) withdrew its support to Shri Madhu Koda-led United Progressive Alliance Government.

Resignation of Chief Minister: On 23 August 2008, Chief Minister Shri Madhu Koda resigned.

New Chief Minister: On 27 August 2008, Shri Shibu Soren was sworn in as the Chief Minister. Along with him, 11 other Cabinet Ministers also took oath of office. They are: Sarvashri Sudhir Mahto, Nalin Soren, Dulal Bhuyan (all JMM), Kamlesh Singh (NCP), Enos Ekka (Jharkhand Party), Stephen Marandi, Harinarain Rai and Bhanu Pratap Sahi (Independents), Bandhu Tirkey and Smt. Joba Manjhi (United Goan Democratic Party), and Smt. Aparna Sengupta (Forward Bloc).

KARNATAKA

Resignation of Three MLAs: On 5 July 2008, two MLAs of the Janata Dal (Secular) namely Sarvashri Balachandra L. Jarkiholi and K. Shivanna Gouda Naik and Anand Asnotikar of the Congress resigned their membership of the Legislative Assembly. They all joined the BJP.

Expansion of Cabinet: On 10 July 2008, Chief Minister Shri B.S. Yeddyurappa inducted Sarvashri Balachandra L. Jarkiholi, K. Shivanna Gouda Naik and Anand Asnotikar as Cabinet Ministers into his Council of Ministers. Governor, Shri Rameshwar Thakur administered the oath of office and secrecy to the Ministers.

Resignation of Minister: On 24 August 2008, Horticulture Minister Shri S K Bellubbi resigned from his post.

Another Cabinet Minister: On 27 August 2008, Shri Umesh V. Katti, was sworn in as the Cabinet Minister (Horticulture and Prisons).

Shri Umesh Katti, had resigned from the membership of the Legislative Assembly and the Janata Dal (Secular), a few days ago to join the Bharatiya Janata Party.

MAHARASHTRA

Resignation of Minister: On 7 July 2008, Transport and Tribal Welfare Minister, Shri Dharmarao Atra accused of killing a chinkara in Pune, resigned.

MANIPUR

New Governor: On 8 July 2008, Shri Gurbachan Jagat was appointed as the Governor. He was sworn in on 23 July 2008.

MEGHALAYA

New Governor: On 1 July 2008, Shri Ranjit Shekhar Mooshahary was sworn in as the Governor of Meghalaya.

PUDUCHERRY

Resignation of Chief Minister: On 28 August 2008, Chief Minister Shri N. Rangasamy resigned from his post.

New Chief Minister: On 4 September 2008, Shri V. Vaithilingam was sworn in as the Chief Minister. Along with him, five Cabinet Ministers also took oath of Office.

The names of Council of Ministers with their portfolios is as follows: Shri V. Vaithilingam, Chief Minister, *Planning* and *Finance, Electricity* and *Agriculture, General Administration, Hindu Religious Institutions,* and all other subjects not allocated to any other Minister; E. Valsaraj, *Home, Health* and *Family Welfare, Law, Port, Jail, Industries* and *Commerce, Science, Technology* and *Environment, Vigilance* and *Anti-corruption* and *Sainik Welfare;* M.O.H.F. Shahjahan, *Public Works, Information* and *Technology, Transport, Collegiate Education, Art* and *Culture, Government Automobile Workshop, Wakf Board* and *Minority Development;* Malladi Krishna Rao, *Revenue, Excise, Fisheries, Tourism, Civil Aviation* and *Sports* and *Youth Affairs;* M. Kandasamy, *Social Welfare, Women* and *Child Welfare, Adi Dravidar Welfare, Backward*

Classes, Cooperation, Civil Supplies and *Consumer Affairs* and *Labour* and *Employment;* A. Namassivayam, *Public Health Division of the PWD, Local Administration, Community Development, District Rural Development Agency, Urban Basic Services, Fire Service, Housing, Town* and *Country Planning including Planning Authorities, Economics* and *Statistics* and *Stationery* and *Printing.*

PUNJAB

Disqualification of Member: On 10 September 2008, the State Legislative Assembly unseated Capt. Amarinder Singh, INC MLA and former Chief Minister and disqualified him for the remaining tenure of the thirteenth Punjab Vidhan Sabha. The decision came after a nine-member House Committee indicted Capt. Amarinder Singh and three others for their alleged involvement in corruption and irregularities in granting exemptions for transferring 32.10 acres to a private developer in Amritsar district.

RAJASTHAN

Change of Party: On 12 July 2008, Shri Jagat Singh, MLA from Laxmangarh in Alwar district joined the Bahujan Samaj Party.

TAMIL NADU

Resignation of Minister: On 7 August 2008, Chief Minister Shri M. Karunanidhi removed Handlooms Minister, Shri N.K.K.P. Raja from his Cabinet following allegations that the Minister was involved in a land grabbing incident.

EVENTS ABROAD

CAMBODIA

Legislative Elections: The elections to the 123-member National Assembly (the lower chamber of the Bicameral Legislature) were held on 27 July 2008. The party position following the elections is as follows: Cambodian People's Party: 90; Sam Rangsi Party: 26; Human Rights Party: 3; Norodom Ranariddh Party: 2; and Funcinpec (National United Front for an Independent, Neutral, Peaceful, and Co-operative Cambodia): 2.

DOMINICAN REPUBLIC

President Sworn in: On 16 August 2008, President Mr. Leonel Fernández Reyna was sworn in as the President for a third term in office.

EQUATORIAL GUINEA

Resignation of Prime Minister: Following the legislative elections in May 2008, the Government of Prime Minister, Mr. Ricardo Mangue Obama Nfube resigned on 4 July 2008.

New Prime Minister: On 8 July 2008, President Mr. Teodoro Obiang Nguema Mbasogo appointed Mr. Ignacio Milam Tang as the new Prime Minister.

EUROPEAN UNION

French Presidency: On 1 July 2008, France began a six-month term in the rotating EU presidency, succeeding Slovenia.

GRENADA

Legislative Elections: The elections to the 15-member House of Representatives (the lower house of the Bicameral Legislature) were held on 8 July 2008. The party position following the elections is as follows: National Democratic Congress: 11; and New National Party:4.

HAITI

New Prime Minister: On 17 July 2008, Mr. Michele Duvivier Pierre-Louis was appointed as the new Prime Minister.

MAURITANIA

Overthrow of President in Military Coup: On 6 August 2008, members of the presidential guard in *Nouakchott* (the capital) arrested President Mr. Sidi Mohammed Ould Cheikh Abdallahi and announced the formation of a military-led *Junta* with Gen. Mohamed Ould Abdelaziz as the President to govern the country.

NEPAL

New Prime Minister: On 15 August 2008, the Constituent Assembly elected Mr. Pushpa Kamal Dahal (known as Prachanda), Chairman of the Communist Party of Nepal—Maoist (CPN–M), as Nepal's first republican Prime Minister. He won 464 votes, against 113 secured by the Nepali Congress Party (NCP) candidate former Prime Minister Mr. Sher Bahadur Deuba. Mr. Dahal was sworn in on 18 August 2008 by President Mr. Ram Baran Yadav.

PAKISTAN

Resignation of President: On 18 August 2008, President Gen. (Retd.) Pervez Musharraf resigned from his post.

PARAGUAY

New President sworn in: On 15 August 2008, Mr. Fernando Lugo Méndez was sworn in as the President.

ZAMBIA

Death of President Mwanawasa: On 19 August 2008, President Mr. Levy Mwanawasa died in a French hospital after suffering a stroke on 29 June 2008 when he was in Egypt to attend a summit meeting of the African Union (AU).

ZIMBABWE

Election of Speaker: On 25 August 2008, Mr. Lovemore Moyo was elected as the Speaker of the House of Assembly (the lower chamber of the Bicameral Legislature).

10

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

FOURTEENTH SESSION (PART I)

The First Part of the Fourteenth Session of the Fourteenth Lok Sabha commenced on 21 July 2008 and was adjourned *sine die* on 22 July 2008. In all, there were 2 sittings in the First Part of the Fourteenth Session.

A resumé of the discussions held and other business transacted during the two-day Session is given below*.

A. DISCUSSION

Motion of Confidence in the Council of Ministers: The motion of confidence in the Council of Ministers moved by the Prime Minister was discussed on 21 and 22 July 2008. Moving the motion '*that the House expresses its confidence in the Council of Ministers*' on 21 July 2008, the Prime Minister, Dr. Manmohan Singh said that he had repeatedly assured all political parties including the Left Parties that if the Government had been allowed to complete the negotiations with the International Atomic Energy Agency (IAEA), on its safeguard agreement and after the decision of the Nuclear Suppliers Group (NSG), he would himself come to Parliament and seek its guidance before operationalizing the Civil Nuclear Energy Cooperation Agreement, which the Government intended to enter into. He said that the specific development which necessitated the present Vote of Confidence was the withdrawal of support by the Left parties on the issue of the Government's initiative to seek international cooperation in the development of civil nuclear energy. Seeking the support of the House on the basis of the Government's entire record in office during the past four years, the Prime Minister assured the House that every single decision, every policy initiative of the Government was taken in the fullest confidence that it was in the best interest of the people and the

* During the Session there were no Legislative Business and Question Hour

country. He, therefore, welcomed the opportunity for the House to review the acts of the Government. He said that he had no doubt that the people of India, when they consider what the Government had done, would reaffirm their confidence in the Government, and in the Indian National Congress, which he said was the oldest, the most experienced and the most patriotic political party of this great country.

Opposing the Motion moved by the Prime Minister, the Leader of the Opposition, Shri L.K. Advani (BJP) said that the focus in the House should be on why the debate had become necessary. He continued that it was for the first time in the history of the Indian Parliament that a Special Session of two days had been convened just to discuss whether a minority Government should be allowed to continue or not. If the nuclear deal was in the best interest of the nation and the Government had been making an appeal again, and again he questioned as to why it was not mentioned in the Common Minimum Programme.

He charged that the UPA Government did not believe in the so-called coalition *dharma,* otherwise the Motion would not have been necessary. Contrary to what was being projected, he said that his party was not against India's very close relationship with America. But, he said that they would never like India to become party to an Agreement which was unequal. His charge was that the *Deal* made India a subservient partner in the *Deal.* The Hyde Act imposed curbs even on India's foreign policy. After the present experience with the nuclear deal, he opined that, if the Government agreed, the Constitution should be amended so that in certain cases relating to security and integrity of the country, Parliament's approval must be sought before entering into such a *Deal.* He said the NDA had maintained that if the people of the country vote them to power again, they would renegotiate the Deal to make it a Treaty between equals so that there were no constraints on India's strategic options and autonomy.

Shri Advani said that even if the deal was done, executed and implemented, the total amount of nuclear energy available to India would be just 6 per cent of our requirement and the remaining 94 per cent had to come from other sources. So, he urged the Government to not delude the people by saying that it was trying to give energy security to the country by the deal. He said that the performance of the Government was very poor during the past four years and two months. It was unable to fix the problems of the common man. Though the Government had announced loan waiver and loan relief a few months back, no provision was made in the Budget for the same.

The farmers were so dissatisfied and unhappy that suicides were still going on because the beneficiaries were only those who had taken loans from the banks. He alleged that the Government had also been indifferent and negligent of the continuous terrorist attacks in the country. The performance of the Government was dismal on all fronts. Various democratic institutions of governance were being systematically misused for questionable politics and this had been happening all along. He added that Indian democracy had become saline and the happenings of the last fortnight, to convert the minority Government into a majority Government, was being done only to live 100 days more.

Participating in the discussion*, the Minister of External Affairs, Shri Pranab Mukherjee said he would like to place the matters about the civil nuclear cooperation agreement in proper perspective. He said that after the Hyde Act was passed, he had reacted the very same day stating that there were prescriptive provisions in the Act which were not applicable to India and she would not accept it as she could never compromise her independent foreign policy. Further, he said that the Government had done a lot of good work in the last four years during which the GDP growth was nine per cent plus. After many years, there was a 4.5 per cent growth in agriculture in the current year.

Referring to various concerns on the nuclear deal, the Minister stated that those would be adequately addressed once the document was finalized. Coming to the power scenario in the country, he observed that by 2030, there would be an energy deficit of 1,50,000 megawatts and by 2050, the energy deficit would be 4,12,000 megawatts. Therefore, if India takes the nuclear power on board—as per some studies—and work is started today to produce 40,000 megawatts of

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* Others who participated in the discussion were: Sarvashri Mohammad Salim, Devendra Prasad Yadav, Brajesh Pathak, Bhartruhari Mahtab, Anand Sharma, Syed Shahnawaz Hussain, Kharabela Swain, Rahul Gandhi, Ananth Kumar, Omar Abdullah, Joachim Baxla, Hansraj G. Ahir, Bhanu Pratap Singh Verma, Chandrakant Bhaurao Khaire, Adhir Ranjan Chowdhury, Naveen Jindal, Avinash Rai Khanna, Shripad Yasso Naik, Suravaram Sudhakar Reddy, Bikram Keshari Deo, S.K. Kharventhan, Bachi Singh 'Bachda' Rawat, P. Karunakaran, P.S. Gadhavi, Vinod Kumar Boianapalli, Francis Fanthome, Vijayendra Pal Singh, K. Francis George, Sukhbir Singh Badal, Alok Kumar Mehta, S.K. Bwiswmuthiary, Mani Charenamei, Hemlal Murmu, Bijendra Singh, Lt. Gen. (Retd.) Tej Pal Singh Rawat, Dr. C. Krishnan, Dr. Satyanarayan Jatiya, Prof. Mahadeo Rao Shiwankar, Smt. Jhansi Botcha Lakshmi, Smt. Kiran Maheshwari, Smt. Maneka Gandhi, Smt. Neeta Pateriya, Smt. Sangeeta Kumari Singh Deo, Smt. Karuna Shukla and Smt. Ranjeeta Ranjan

energy in the period of eight years from 2012 to 2020, India would be able to reduce the energy deficit from 4,12,000 megawatts to only 7,000 megawatts in 2050. Addressing the question as to why the Government should go to NSG, he said that the clearances from NSG and IAEA were the passports and visas. Once the Government got them, then it would decide whether to travel or not, and if so, what would be its destination. Placing the case on behalf of the Government, he said that the members were the ultimate masters and they have to decide whether they would accept or not. But, he assured them that whatever judgment they give, the Government would accept them with due respect.

Prof. Ram Gopal Yadav (Samajwadi Party) said that the majority of the people were supporting the deal and only a certain number of people were opposing the deal. He appreciated and congratulated the democratic spirit of the Prime Minister who, he said, himself sought the confidence in the Council of Ministers. He felt that this showed the relevance of Parliament and nothing could be more exemplary than that. He stated that the present agreement would be a guarantee for energy security in future. Expressing confidence that the Government would win the Trust Vote, he made an earnest appeal to the members, especially to the Left Parties, to forget all differences and abstain in the voting and thus support the Motion of Confidence in a direct or indirect manner.

The Minister of Shipping, Road Transport and Highways, Shri T.R. Baalu said that all energy options were essential for the country with a population of 112 crore. India need uranium and allied substances for her existing reactors and also for the new reactors to be established. The 123 Agreement between India and the United States of America would put an end to technology denial regime against India that had been in place for more than three decades. He said that each and every member definitely knew these matters very well. During the last four years, he said that the Government accomplished many things like raising the per capita income, food grain production, forex reserves, etc. This had happened because of the support price, loan waiver and other things. He also said that under the flagship programme *Bharat Nirman*, the Government had achieved success in the fields of irrigation, roads, housing, water supply, electrification and telecommunications in the rural areas.

Shri Anant Gangaram Geete (Shiv Sena) stated that after the Government had been reduced to minority, the Prime Minister should have resigned on moral grounds. The Motion moved by the Prime

Minister was not regarding any nuclear deal and the Special Session had been convened just to win the trust vote. The Left Parties had withdrawn support on the issue of the Nuclear Deal. They had given their reasons for it. He wanted that the Government should give a reply to their objections to the Nuclear Deal.

Shri Gurudas Dasgupta (CPI), stated that the Left had been sincere but the Government had ignored their opinions and suggestions. Their view on how to contain price rise was not taken into consideration by the Government. Their warning that growing and galloping wide disparity of growth which threatened the very fabric of the country remained completely unheeded. This was the reason why the relationship had broken. On top of everything, the last nail on the coffin was the way in which the Government bulldozed or was seeking to bulldoze the India-US nuclear deal.

Shri Dasgupta said that the country was in the grip of dreaded stagflation. It was the Government that brought the country within the orbit of dreaded inflation. The Public Distribution System had collapsed. The Essential Commodities Act, diluted by the BJP Government, was not revalidated by the Government. Agricultural crisis was growing. If there were drought, the country could again be in the grip of a crisis. On the other hand, there had been record profit for the corporates. High profit, low wage, distressed job, pampering of the corporates and pauperization of the people was the order of the day. The problem of unemployment had reached a point of explosion. He wondered whether it was a sign of healthy economy that the Government was building up. The Government had failed to control inflation in the way that they had been advancing towards America. He wanted that the Prime Minister should enlighten the country on what he had done to control the increasing peril of the parallel economy and black-market in the country. He concluded that the Government was on trial. Elections were knocking at the door and the Government should be prepared to face a grim reality.

The Minister of State of the Ministry of Civil Aviation, Shri Praful Patel said, that the Prime Minister had very transparently explained about the benefits and losses for the country by the agreement. He said that India's requirement of petroleum products in a year was about 135 million tonne out of which the domestic production was 32 million tonne only. The annual growth of petroleum products requirement was conservatively 8 to 9 per cent. He said that no Government of independent India had been in such a difficulty of energy security like that of the present Government. In spite of that, the Government was

committed to see that the country's average poor people were not burdened because of the current extraordinary international situation. Today, if India had made its mark in terms of the knowledge economy in the world, it was due to the IT and telephony which was introduced by late Shri Rajiv Gandhi. He added that it was a question of what the Government was going to offer to India's future generations. It was about the future of India.

Shri Sukhdev Singh Dhindsa (SAD) said that his party was not averse to having friendly relations with America, neither were they against having good relations with all other nations. But, he wanted that it should not be at the cost of losing an old friendly nation like Iran. He further said that India would not be able to conduct any nuclear test after the deal. If there was a war with the countries having atomic power, he questioned as to what would be the result, whether there would not be a threat to the security of the country. He added that the Government had proved to be a complete failure during its past four years and two months tenure and wanted that it should go now.

Shri Prabhunath Singh (JD-U) said that the agreement was as good as mortgaging the dignity of the country to America. The Government may or may not survive but he wanted that neither the House nor the country should be divided on the issue of foreign policy. On the issue of inflation, he said that when an economist became the Prime Minister, the people thought he would strengthen the economy. However, the prices of petro-products had increased four times. Now, the Government was announcing that it would check the prices. He wanted that the Government should honestly work in this direction.

On 22 July 2008, the Minister of Finance, Shri P. Chidambaram said that he wanted to deal with two most important of the six principles of the Common Minimum Programme. The *first* was to ensure that the economy grew at least seven to eight per cent per year in a sustained manner. After 42 months, he said that the economy had grown at an average of 8.9 per cent in the first four years, compared with the average of 5.8 per cent during the six years of the NDA Government. The target for the Tenth Plan was eight per cent and the Government was able to achieve an average growth rate of 7.8 per cent. Another principle was to enhance the welfare and well-being of farmers, farm labour and workers, particularly those in the unorganized sector. He said that no Government had done more for farmers than the present Government. Farm credit had increased from Rs.86,000 crore in 2003-04 to Rs.2,50,000 crore in 2007-08. In the

current year, the target was Rs.2,80,000 crore. The Government also undertook a loan waiver scheme of the size and scale never undertaken by any Government in the country's history. The total amount of debt waiver and debt relief was Rs.66,477 crore.

The Minister said that the debate naturally turned towards the agreement the Government had signed with the United States. The Government need to cross two stages before it could operationalize the agreement. The first was the safeguards agreement of the IAEA, and the second was the waiver from the NSG. Regarding Questions about the 123 Agreement and the Hyde Act, he said that in 1954, the US adopted the Atomic Energy Act. That Act prohibited the US from cooperating on nuclear matters with any country until certain conditions were fulfilled. Section 123 authorized the President of the US to exempt the proposed agreement from the conditions. That was why, the agreement was called '123 Agreement'. The Hyde Act was passed in 2006 and it became the law in December 2006, whereas 123 Agreement text was agreed between India and the US on 1 August 2007. The 123 Agreement alone would delineate the rights and responsibilities of the parties. It was an agreement to enable full civil nuclear energy cooperation between the parties. The legal status of the 123 Agreement was that it would only enter into force after India and the United States notify each other; that too, after completing all applicable requirements. The 123 Agreement was a Treaty and the Hyde Act was an internal law. Thus, the Hyde Act did not bind India. It could not interfere with the implementation of the 123 Agreement. India was bound only by the 123 Agreement.

The Minister said that the Government had detailed exchanges with France, Russia, UK, China and also with Germany, Japan and other non-nuclear weapon States. Today, the present Government was charting out a new path which would end India's nuclear isolation and pave the way for India becoming an economic superpower.

The Minister of Railways, Shri Lalu Prasad said that the Prime Minister had taken a brave step by moving the motion of confidence himself. He opined that employment generation would be possible only by creating basic infrastructure which had not been created even after 60 years of independence. He informed that the UPA Government was concentrating in this direction. He urged the CPI (M) members not to take steps to disintegrate the country. He said that the Government might import uranium from the nuclear suppliers group countries like Australia, Russia, etc. But, India was not going to take any alms from them. The present deal was in the national interest. By dint of it, the

farmer and the labourer would get cheap electricity. Electricity would also be available for the dedicated freight corridor. Besides, electrification of railway lines throughout the country would be possible and the country would save one third of the diesel the railways consume.

Shri Basudeb Acharia (CPI-M) said that the Finance Minister had very eloquently given figures of growth in various sectors but had not mentioned about the deteriorating condition of the people. Today, prices of almost all the essential commodities were rising and inflation had touched 12 per cent. Farmers were committing suicide and the crisis in the agricultural sector was accentuating. Coming to foreign policy and strategic relations with the US, he said that the Left were not anti-America. But there was a difference between good relations and strategic relations. When the nuclear deal was conceived and the draft of the Hyde Act was prepared, he said that they had expressed nine concerns. While replying to the debate in the Rajya Sabha, he said that the Prime Minister had given an assurance that all their concerns would be properly addressed. The assurances, however, went haywire. Subsequently, a Joint committee was formed. When the Committee met in the month of June, he said that the agreement was not shown to the Committee, without which, he said, there was no way the Committee could come to any conclusion. The Committee was told that it was a classified document. The same day the Government circulated the text. On 8 July, he said that the External Affairs Minister stated that the Government would not go to IAEA before it takes the vote of confidence. The day the Minister made the statement, the Prime Minister announced and the Government went to the IAEA. He stated that this was not only a betrayal and insult to the Left but also to the nation.

Shri Asaduddin Owaisi (AIMIM) said that the Government took the initiative to create a Ministry of Minority Affairs and gave Rs.1,000 crore for the purpose. But, it was very unfortunate that the Left Front, for no reason whatsoever, had withdrawn their support. He also said that a canard had been spread that Muslims were against the Deal. He questioned as to why only Muslims were being targeted. He alleged that the Left Front had hatred towards the minorities and asked as to why there was only 2.1 representation of Muslims in Government services in West Bengal. He said that this showed how Muslims were neglected in West Bengal.

Ms. Mehbooba Mufti (J&K PDP) said that the BJP, which had been the pioneer of the Deal, was superficially opposing it only because they were not in power. However, as far as other parties,

more so the Communists were concerned, she said that she had her apprehensions about the Deal. She urged the Prime Minster to reassure the House that India's foreign policy would remain independent and that it would not stop to explore other avenues of energy. The Gas pipeline with Iran should not get affected and India should stand by the side of Palestine on their demand for independent State, as had been the policy since independence, she added.

Prof. M. Ramadass (PMK), said that the achievements of the Government, viewed in the backdrop of various constraints, pulls and pressures, were really splendid. Indian economy had been growing consistently at the rate of 9 per cent in the last 4 years as a result of which poverty had dipped by 3.5 per cent. The Indo-US agreement was an agreement to set up power plants in India and thereby enhance the supply of electricity, which was indispensable for economic growth. It was a deal for the benefit of the country and there was no need to topple the Government on this issue.

Shri M.P. Veerendra Kumar (JD-S), said that the obscene haste with which the Government was pursuing the 123 Agreement was amazing. When people were reeling under double-digit inflation, spiralling prices of food items and fuel including domestic gas, the Government was hell-bent on a deal which was not part of the Common Minimum Programme. He said that Nuclear fuel was a discredited technology. France, which depended on nuclear energy the most had been facing enormous problems with nuclear waste processing.

Shri K. Yerrannaidu (TDP) said that there should be no hurry for the 123 Agreement when China took 10 years to finalise the Agreement. When there was provision for arbitrations in case of even petty commercial disputes, he wanted to know as to why the Government had not insisted on arbitration arrangement in a highly politico-techno-legal agreement like the 123 Agreement. In this regard he mentioned that Japan had negotiated with USA for 2 years only on arbitration clause. He felt that the Government negotiators had failed in ensuring clear and unambiguous provisions in the 123 Agreement. He said that the Prime Minister had placed too much faith in President Bush who would be demitting office in a few months from now.

Replying to the discussion, the Prime Minister, Dr. Manmohan Singh said that the one vision represented by the UPA and its allies was to project India as a self-confident and united nation moving forward to gain its rightful place in the comity of nations. He said that the Government's attention had not been diverted from priority areas

of national concern including inflation, revitalizing agriculture, improving the effectiveness of the Government's flagship pro-poor programmes, dealing firmly with terrorist and communal elements, etc. He said that all he had requested the Left colleagues was to allow the Government to go through the negotiating process and he would come to Parliament before operationalising the nuclear agreement. He charged that the Left wanted a veto over every single step of negotiations which was not acceptable.

The Prime Minister stated that there was an explicit mention of the need to develop closer relations with the USA, but without sacrificing India's independent foreign policy, in the Common Minimum Programme (CMP). The nuclear agreement was all about widening India's development options, promoting energy security in a manner which would not hurt its precious environment and which would not contribute to pollution and global warming. India need to grow at the rate of at least ten per cent per annum to get rid of chronic poverty, ignorance and disease which still afflicted millions of the people. Knowing the uncertainty of supplies and of prices of imported hydro-carbons, India had to diversify her sources of energy supply. The country must also make full use of atomic energy which was a clean and environment-friendly source of energy. After the Pokharan nuclear tests of 1974 and 1998, the outside world had imposed embargo on trade with India in nuclear materials, nuclear equipment and nuclear technology. The nuclear agreement would end India's nuclear isolation, nuclear apartheid and enable her to take advantage of international trade in nuclear materials, technologies and equipment. He reiterated that there was nothing in these agreements which prevent India from further nuclear tests if warranted by her national security concerns. The cooperation that the international community was now willing to extend to India for trade in nuclear materials, technologies and equipment for civilian use would be available without signing the NPT or the CTBT.

The Prime Minister further stated that critics had falsely accused the Government that, in signing these agreements, India had surrendered the independence of its foreign policy and made it subservient to US interests. He felt that a change in the NSG guidelines would be a passport to trade with 45 members of the NSG which included Russia, France and many other countries. He also categorically stated that there were no secret or hidden documents other than the 123 Agreement, the Separation Plan and the draft of the safeguard agreement with the IAEA. Regarding allegations that the Hyde Act would affect India's ability to pursue an independent foreign policy, he said that the Hyde

Act did exist and it provided the US administration the authorization to enter into civil nuclear cooperation with India without insistence on full scope safeguards and without signing of the NPT. India's commitment was to what had been agreed in the 123 Agreement. There was nothing in the Agreement which would affect India's strategic autonomy or ability to pursue an independent foreign policy.

The Prime Minister informed that India had differed with the US over the latter's intervention in Iraq. With regard to Iran, he said that India's advice had been in favour of moderation and also that India maintained good relations with the Arab world. Today, India had strategic relationship with all major powers including USA, Russia, France, UK, Germany, Japan, China, Brazil, Nigeria and South Africa. The management and governance of the world's largest, most diverse and most vibrant democracy was the greatest challenge any person could be entrusted with, in this world. It had been his good fortune that he was entrusted with this challenge over four years ago. Whatever he had done in this high office, he had done with a clear conscience and in the best interests of the country and the people.

On the Motion, the House divided: Ayes 275; Noes 256.

The Motion was adopted.

B. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of Sarvashri Mohammad Maqbool Dar, Chiman Bhai Shukla, Gopeshwar, Ram Prakash Tripathi, G.M. Banatwalla, all former members and Field Marshal S.H.F.J. Manekshaw, a veteran soldier and the hero of 1971 war.

Besides, references were made to the naxalite attack in Malkangiri district of Orissa on 29 June 2008, resulting in death of more than 50 security personnel of Andhra Pradesh and Orissa Police; to the terrorist attack at Narbal, Jammu and Kashmir on 19 July 2008, which resulted in death of 10 soldiers and injuries to about 14 soldiers; and to the terrorist attack on the premises of the Indian Embassy in Kabul on 7 July 2008, resulting in the death of 5 Embassy personnel and over 60 Afghanistan nationals.

Thereafter, members stood in silence for a short while as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

The Twelfth Assam Legislative Assembly, which commenced its Eighth Session on 14 July 2008, was adjourned *sine die* on 18 July 2008. There were five sittings in all.

Financial business: On 14 July 2008, the Supplementary Demands for Grants and Supplementary Appropriation for the year 2008 were presented in the House. After voting on Supplementary Demands for Grants on 16 July 2008, the Assam Appropriation (No.III) Bill, 2008 was introduced, considered and passed by the House on the same day.

Obituary references: During the Session, obituary references were made on the passing away of leading personalities during the period from last Budget Session, 2008 till 17 July 2008.

GOA LEGISLATIVE ASSEMBLY**

The Fifth Session of the Fifth Goa Legislative Assembly commenced on 18 August 2008 and was adjourned *sine die* on 29 August 2008. There were 10 sittings in all.

Legislative business: During the Session, the following 13 Bills were introduced, considered and passed by the House: (i) The Goa Appropriation (No.3) Bill, 2008; (ii) The Goa Appropriation (No.4) Bill, 2008; (iii) The Goa Appropriation (No.5) Bill, 2008; (iv) The Goa Appropriation (No.6) Bill, 2008; (v) The Goa Appropriation (No.7) Bill, 2008; (vi) The Goa Appropriation (No.8) Bill, 2008; (vii) The Goa Appropriation (No.9) Bill, 2008; (viii) The Goa Tax on Infrastructure (Second Amendment) Bill, 2008; (ix) The Goa Value Added Tax (Fourth Amendment) Bill, 2008; (x) The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 2008; (xi) The Goa Sewerage System and Sanitation Services Management Bill, 2008; (xii) The Goa School Education (Amendment) Bill, 2008; and (xiii) The Goa Health Services Development Bill, 2008.

Financial business: The General Discussion on the Budget for the year 2008-2009 was held on 18 August 2008 in which three members

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* Material contributed by the Assam Legislative Assembly Secretariat

** Material contributed by the Goa Legislative Assembly Secretariat

participated. The Chief Minister Shri Digamber Kamat replied to the debate. The Demands for Grants (80 in number) for the year 2008-2009 were presented before the House. Out of these, 70 Demands were discussed and voted in the House. Ten Demands were voted without discussion.

The Supplementary Demands for Grants for the year 2008-2009 were presented on 27 August 2008. The same were discussed and passed by voting by the House on 29 August 2008.

The Demands for Excess Grants for the years 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003 were laid on the Table of the House on 25 August 2008. The same were discussed and passed by voting on 29 August 2008 by the House.

Obituary references: During the Session, obituary references were made on the passing away of Shri Froilano Machado, former Speaker and freedom fighter; Sarvashri Gurudas Gauns and Vasudev Morajkar, both former members of the Goa Legislative Assembly.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Third Session of the Eleventh Himachal Pradesh Legislative Assembly commenced on 1 September 2008. The House was adjourned *sine die* on 5 September 2008 and was prorogued on the same day. There were five sittings in all.

Obituary References: During the Session, obituary references were made on the passing away of Shri Des Raj, former member of the State Legislative Assembly. The House also paid obituary references to the departed souls, who lost their lives due to heavy rains and floods in the State, stampede at Shri Naina Devi Shrine and heavy floods in the State of Bihar.

KARNATAKA LEGISLATIVE ASSEMBLY**

The Adjourned Meetings of the First Session of the Thirteenth Legislative Assembly commenced on 17 July 2008 and continued upto 31 July 2008. There were 11 sittings in all.

Financial business: On 17 July 2008, the Chief Minister, Shri B.S. Yeddyurappa, who is holding the portfolio of Finance, presented the Budget for the year 2008-2009. The General Discussion on Budget

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* Material contributed by the Himachal Pradesh Legislative Assembly Secretariat
** Material contributed by the Karnataka Legislative Assembly Secretariat

and the Demands for Grants were held simultaneously for 7 days and the Chief Minister replied on behalf of all the Ministers. The House passed the Appropriation Bill on 31 July 2008. The Supplementary Estimates (First instalment) for the year 2008-2009 were presented to the House and adopted.

Election of Deputy Speaker: On 29 July 2008, Shri K.G. Bopaiah, was unanimously elected as the Deputy Speaker of the State Legislative Assembly.

Obituary references: During the Session, obituary references were made on the passing away of Shri K.R. Thimmarayappa, former member of the State Legislative Assembly.

KERALA LEGISLATIVE ASSEMBLY*

The Eighth Session of Twelfth Kerala Legislative Assembly, which commenced on 23 June 2008, was adjourned *sine die* on 24 July 2008. The Governor prorogued the House on the same day. There were 22 sittings in all.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri C.M. Sundaram, J. Chitharanjan, former Ministers, Kadamanitta Ramakrishanan, E. Rajendran, C.K. Thankkappan, A.M. Kalyanakrishnan Nair, K.T. Kumaran, former members of the Kerala Legislative Assembly, U. Neelakantan, former member of Travancore-Cochin Legislative Assembly, Dr. Henry Austin, former Central Minister and Gulam Mehmood Banatwalla, former member of the Lok Sabha.

MAHARASHTRA LEGISLATIVE COUNCIL**

The Maharashtra Legislative Council, which commenced its Second Session of the year 2008 on 16 July 2008 was prorogued by the Governor on 26 July 2008. There were 9 sittings in all.

Legislative business: During the Session, (i) The Bombay Homoeopathic Practitioners (Amendment) Bill, 2008; and (ii) The Maharashtra Legislature Members' Salaries and Allowances (Amendment) Bill, 2008 were introduced, considered and passed by the House.

The Maharashtra (Second Supplementary) Appropriation Bill, 2008

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* Material contributed by the Kerala Legislative Assembly Secretariat

** Material contributed by the Maharashtra Legislative Council Secretariat

as passed by the State Legislative Assembly was considered by the House.

Financial business: The Minister of State for Finance presented the Supplementary Statement of Expenditure for the year 2008-2009 to the House on 16 July 2008. The general discussion on the Supplementary Demands for the year 2008-2009 was held on 23 July 2008.

Obituary reference: During the Session, obituary references were made on the passing away Shri Bajirao Nivruti Shinde, former member of the State Legislative Council and Minister, Shri Dashrath Narsingh Kamble, former member of the State Legislative Council; Sarvashri Field Marshal Sam Manekshaw, Former Military Chief of India; Yashwantrao Chandrachud, Former Chief Justice of India; Vijay Tendulkar, Senior Litterateur and Renowned Playwright, Nana Dharmadhikari, Senior Narrator; and Smt. Nirmala Deshpande, Senior Gandhian leader.

MAHARASHTRA LEGISLATIVE ASSEMBLY*

The Maharashtra Legislative Assembly, which commenced its Second Session of the year 2008 on 16 July 2008 was adjourned *sine die* on 26 July 2008. The Governor prorogued the House on the same day. There were 9 sittings in all.

Legislative business: During the Session, (i) The Maharashtra (Second Supplementary) Appropriation Bill, 2008; and (ii) The Maharashtra Legislature Members' Salaries and Allowances (Amendment) Bill, 2008 were considered and passed by the House.

Financial business: The Minister of Finance presented the Supplementary Demands for Grants for the year 2008-2009 on 16 July 2008. The discussion and voting on the Supplementary Demands of five Departments was held on 22 and 23 July 2008.

A total of 250 Cut-Motions were received, out of which 141 were admitted, while 109 were disallowed. No Cut Motion was moved in the House.

The Maharashtra (Second Supplementary) Appropriation Bill, 2007 was passed by the House on 24 July 2008.

Obituary reference: During the Session, obituary references were made on the passing away of Smt. Tarabai Narsingh Vartak, former

* Material contributed by the Maharashtra Legislative Assembly Secretariat

member of State Legislative Assembly and Minister, Sarvashri Kachru Bhau Raut Gulam Mehmood Banatwalla, Kisanlal Ramchandra Marda, and Arvind Kamlakar Deshmukh, all former members; Field Marshal Sam Manekshaw, Former Military Chief of India; Yashwantrao Chandrachud, Former Chief Justice of India; Vijay Tendulkar, Senior Litterateur and Renowned Playwright, Nana Dharmadhikari, Senior Narrator; and Smt. Nirmala Deshpande, Senior Gandhian leader.

NAGALAND LEGISLATIVE ASSEMBLY*

The Second Session of the Eleventh Nagaland Legislative Assembly commenced on 9 September 2008. The House was adjourned *sine die* on 11 September 2008 and prorogued on the same day.

Legislative business: During the Session, the following two Bills were passed by the House: (i) The Nagaland Value Added Tax (Amendment) Bill, 2008; and (ii) The Societies Registration (Nagaland Third Amendment) Bill, 2008.

* Material contributed by the Nagaland Legislative Assembly Secretariat

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE FIRST PART OF THE FOURTEENTH SESSION OF THE FOURTEENTH LOK SABHA

1. PERIOD OF THE SESSION — 21 to 22 July 2008

2. NUMBER OF SITTINGS HELD — 2

3. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 July to 30 September 2008	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	—	—
ii)	Committee on Absence of Members from the Sittings of the House	—	—
iii)	Committee on Empowerment of women	3	—
iv)	Committee on Estimates	3	—
v)	Committee on Ethics	—	—
vi)	Committee on Government Assurances	—	—
vii)	Committee to Inquire into the complaint made by some members regarding alleged offer of money to them in connection with voting on the Motion of Confidence	9	—
viii)	Committee to Inquire into Misconduct of Members of Lok Sabha	6	—
ix)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	2	—
x)	Committee on Papers Laid on the Table	5	2
xi)	Committee on Petitions	7	—
xii)	Committee on Private Members' Bills and Resolutions	—	—
xiii)	Committee of Privileges	2	—
xiv)	Committee on Public Accounts	4	—

xv)	Committee on Public Undertakings	6	—
xvi)	Committee on Subordinate Legislation	—	—
xvii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	3	—
xviii)	General Purposes Committee	—	—
xix)	House Committee	—	—
	(a) Accommodation Sub-Committee	—	—
	(b) Sub-Committee on Amenities	—	—
xx)	Library Committee	—	—
xxi)	Railway Convention Committee	1	—
xxii)	Rules Committee	—	—

Joint / Select Committee

i)	Joint Committee on Offices of Profit	1	—
ii)	Joint Committee to Examine the Constitutional and Legal Position relating to Office of Profit	—	—
iii)	Joint Committee on Salaries and Allowances of Members of Parliament	2	—

Departmentally Related Standing Committees

i)	Committee on Agriculture	4	—
ii)	Committee on Chemicals and Fertilizers	2	—
iii)	Committee on Coal & Steel	2	—
iv)	Committee on Defence	10	—
v)	Committee on Energy	7	—
vi)	Committee on External Affairs	—	—
vii)	Committee on Finance	8	—
viii)	Committee on Food, Consumer Affairs and Public Distribution	6	—
ix)	Committee on Information Technology	3	2
x)	Committee on Labour	7	—
xi)	Committee on Petroleum & Natural Gas	3	—
xii)	Committee on Railways	—	—
xiii)	Committee on Rural Development	—	—
xiv)	Committee on Social Justice & Empowerment	4	—
xv)	Committee on Urban Development	6	—
xvi)	Committee on Water Resources	3	—

Cell on Parliamentary Forum

Sl. No.	Name of Forum	No. of Meetings held during the period (1 July to 30 September 2008)	No. of lectures held
1.	Parliamentary Forum on Children	—	—
2.	Parliamentary Forum on Water Conservation and Mangement	—	—
3.	Parliamentary Forum on Youth	—	—
4.	Parliamentary Forum on Population & Public Health	—	—

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED BY THE RAJYA SABHA DURING 1 JULY TO 30 SEPTEMBER, 2008

1. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of Committee	No. of meetings held during the period from 1 July to 30 September 2008	No. of Reports presented
(i)	Business Advisory Committee	Nil	Nil
(ii)	Committee on Subordinate Legislation	3	Nil
(iii)	Committee on Petitions	6	Nil
(iv)	Committee of Privileges	1	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	2	Nil
(vii)	Committee on Papers Laid on the Table	3	Nil
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	1	Nil
Department-related Standing Committees:			
(x)	Commerce	4	Nil
(xi)	Home Affairs	7	Nil
(xli)	Human Resource Development	3	Nil
(xiii)	Industry	4	1
(xiv)	Science and Technology, Environment and Forests	7	2
(xv)	Transport, Tourism and Culture	3	2
(xvi)	Health & Family Welfare	7	Nil
(xvii)	Personnel, Public Grievances, Law and Justice	6	1
Other Committees			
(xviii)	Committee on Ethics	Nil	Nil
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	1	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	2	Nil
(xxi)	Joint Parliamentary Committee on Wakf Boards	2	Nil

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD FROM 1 JULY TO 30 SEPTEMBER 2008

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	11.9.2008 to 12.9.2008	2	2(2)	—	46	36	8
Assam L.A.	14.7.2008 to 18.7.2008	5	3(3)	—	344(100)	184(250)*	75(70)
Bihar L.A.	24.7.2008 to 30.7.2008	5	5(5)	—	338(259)	201(151)	37(13)
Bihar L.C.	24.7.2008 to 30.7.2008	5	-(5)	—	676(666)	-(4)*	176(140)
Chhattisgarh L.A.	7.7.2008 to 11.7.2008	5	10(10)	—	211(135)	134(97)	—
Goa L.A.	18.8.2008 to 29.8.2008	10	16(4)	13	509(508)	348(342)	—
Gujarat L.A.	25.9.2008 to 29.9.2008	3	6(6)	—	1115(678)	647(463)	—
Haryana L.A.	1.9.2008 to 3.9.2008	3	12(12)	—	64(40)	8(7)	—
Himachal Pradesh L.A.	1.9.2008 to 5.9.2008	5	4(4)	—	184(104)	63(40)	—
Jammu & Kashmir L.A.	7.7.2008	1	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.	29.8.2008 to 25.9.2008	6	4(4)	—	88(93)*	-(152)	404(102)
Karnataka L.A.	17.7.2008 to 31.7.2008	11	6(6)	—	524(126)	388(388)	1
Karnataka L.C.	17.7.2008 to 5.8.2008	13	6(6)	—	487(150)	213(550)*	—
Kerala L.A.	23.6.2008 to 24.7.2008	22	8(10)	17	10,436	3,339(6,910)	1

Madhya Pradesh L.A.**	—	—	—	—	—	—	—
Maharashtra L.A.	16.7.2008 to 26.7.2008	9	5(2)	19	7,653(696)	64(700)•	5(1)
Maharashtra L.C.	16.7.2008 to 26.7.2008	9	2(3)	1	3,829(889)	18(409)•	63(55)
Manipur L.A.*	—	—	—	—	—	—	—
Meghalaya L.A.**	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—
Nagaland L.A	9.9.2008 to 11.9.2008	1	2(2)	—	60(52)	17(17)	—
Orissa L.A.	20.8.2008 to 29.8.2008	8	8(5)	1	1086(846)	1106(1030)	9(1)
Punjab L.A.	4.9.2008 to 10.9.2008	3	7(7)	—	196(78)	3(36)•	3(1)
Rajasthan L.A.	14.7.2008 to 17.7.2008	4	7(8)	—	164(156)	239(230)	17(16)
Sikkim L.A.**	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—
Tripura L.A.*	—	—	—	—	—	—	—
Uttarakhand L.A.	30.7.2008 to 19.9.2008	1	—	—	55(52)	106(104)	110(4)
Uttar Pradesh L.A.	2.8.2008 to 21.8.2008	4	18(18)	—	361(82)	339(644)•	270(20)
Uttar Pradesh L.C.	18.8.2008 to 22.8.2008	5	–(16)	—	871(696)	227(117)	89(71)
West Bengal L.A.**	—	—	—	—	—	—	—
UNION TERRITORIES							
Delhi L.A.	10.9.2008 to 12.9.2008	3	3(3)	—	–(60)	–(104)	—
Puducherry L.A.**	—	—	—	—	—	—	—

* Information received from the State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

@ Starred Questions and Short Notices admitted as Unstarred

Notices for Unstarred Question and Short Notices admitted as Starred

APPENDIX III (Contd.)

COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED DURING THE PERIOD FROM 1 JULY TO 30 SEPTEMBER 2008

	Business Advisory Committee	Committee on Government Assurances	Committee on Petitions	Committee on Private Members' Bills and Resolutions	Committee of Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Welfare of SCs and STs	Committee on Estimates	General Purposes Committee	House/Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint/Select Committee	Other Committees
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
STATES																
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Arunachal Pradesh L.A.	1	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	2	2	—	—	—	5	2	—	1	2	2	1	7	—	—	12[a]
Bihar L.A.	2(1)	—	13	—	—	35(4)	11	13	40	2(1)	23	10	50	—	—	103[b]
Bihar L.C.	1(1)	12	12	11(1)	10(1)	—	11	10(1)	—	11	10	12	—	–(1)	—	69(4)[c]
Chhattisgarh L.A.	1(1)	–(1)	1(2)	1(2)	–(1)	1(6)	2(8)	–(1)	1(3)	—	1(1)	—	2(9)	—	—	5(7)[d]
Goa L.A.	1(1)	—	—	—	—	—	—	—	—	—	—	—	—	—	3	38(16)[e]
Gujarat L.A.	2(2)	6(1)	4	1	1	8	1	11(2)	8	—	7	—	16(2)	1(1)	—	21(2)[f]
Haryana L.A.	1	18	17	—	16	19	23	16	23	—	—	20	16	—	—	4[g]
Himachal Pradesh L.A.	1(1)	—	—	—	6	10(7)	8	—	12	—	—	—	11(13)	—	—	44(8)[h]
Jammu & Kashmir L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.	—	5(1)	9	—	1(2)	7(1)	9	10	7	—	15	—	10(1)	—	—	175[i]
Karnataka L.A.	2	—	5	3	2	2	2	3	4	—	4	—	3	—	—	8(2)[j]
Karnataka L.C.	—	9(1)	9	1	—	—	—	—	—	—	4	—	—	—	—	—
Kerala L.A.	4(4)	7	8(1)	4(2)	5	11(2)	7	6(1)	10(2)	—	6	2	10(10)	—	—	53(10)[k]
Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.	2(2)	18(1)	1	5(5)	8	9	10	12	14(1)	—	1	—	10(1)	1	3(1)	38(3)[l]
Maharashtra L.C.	2(1)	5	2	—	3	9	10	12	14(1)	—	1	—	10(1)	1	—	50(4)[m]
Manipur L.A.	—	2	1	1	1	1	1	2	—	—	—	1	13	—	—	7[n]
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	1	—	—	—	—	1	1	—	—	—	—	1	2	—	—	—
Orissa L.A.	2	4	9	—	1	7(6)	7	6	5	—	1	3	8	—	—	55(2)[o]
Punjab L.A.	1(1)	14	17	—	10	19	5	19	16	—	3	2	16	—	—	42(1)[p]
Rajasthan L.A.	1(1)	11	18	—	8	22(10)	22	45	31	—	20	20	26(11)	10	5	68(1)[q]
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Tripura L.A.	—	—	2	—	—	1	4	6	—	—	1	1	7	1	—	—
Uttarakhand L.A.	1(1)	5	4	—	—	1	—	2	1	—	1	—	2	—	—	—
Uttar Pradesh L.A.	4(4)	16(10)	—	—	—	—	1	—	11(1)	—	—	—	1	1	—	13[f]
Uttar Pradesh L.C.	4	9	6	—	10	—	—	—	—	—	—	—	—	7	—	96[e]
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																
Delhi L.A.	1(1)	1(1)	—	1(1)	—	—	—	2(1)	—	—	—	—	1(1)	—	—	2(2)[d]
Puducherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

* Information received from the State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

(a) Employment Review Committee-1; Welfare of Women and Children Committee-2; Ethics Committee-2; Act Implementation Committee-2; OBC and MOBC Committee-4; and Members' Amenities and Facilities Committee-1

(b) Tourism Development Committee-11; Internal Resources Committee-10; Members Fund Monitoring and Implementation Committee-11; Agricultural and Industries Development Committee-18; Nivedan Committee-23; Zero Hour Committee-10; Women and Child Development Committee-10; and Question and Calling Attention Committee-10

(c) Human Rights Committee-12(2); Committee on Questions and Calling Attention-12(2); Nivedan Committee-12; Committee on Welfare of Minorities-11; Committee on Zila Parishad and Panchayati Raj-10; and Committee on Papers Laid on the Table-12

(d) Question and Reference Committee-3(5); Committee relating to the Examination of Papers laid on the Table-1(1); and Women and Children Welfare Committee-1(1)

(e) Budget Committee-1; House Committee for finalization of Sites for Garbage Treatment of Plants/Land Sites-1; House Committee on Functioning of the Goa State Pollution Control Board-1; Ad hoc Committee on P.W.D., Panchayat and Transport-4(2); Ad hoc Committee on Law-3(2); Ad hoc Committee on Health, Social Welfare-4(2); Ad hoc Committee on Agriculture and Forests-4(2); Ad hoc Committee on Home-6(2); Ad hoc Committee on Finance-5(2); Ad hoc Committee on Education, Sports and Information Technology-4(2); and Ad hoc Committee on Industries, Labour and Tourism-5(2)

(f) Members' Pay and Allowance Rules Committee-1; Panchayati Raj Committee-10; Welfare of Socially and Educationally Backward Classes Committee-4; Papers Laid on the Table Committee-5(1); and Absence of Members Committee-1(2)

(g) Committee on Yamuna Accords-4

(h) Welfare Committee-14(1); Public Administration Committee-6(2); Human Development Committee-9(2); General Development Committee-7(2); and Rural Planning Committee-8(1)

(i) Committee on Yuva Khel Sanskriti and Library Development-7; Nivedan Committee-9; Scheduled Tribes and Primitive Language Development Committee-10; Zero Hour Committee-9; Zila Panchayat/Zila Parishad Committee-12; Committee on Compassion and Family Benefit and Displacement Rehabilitation-16; Non-Government Resolution Committee-10; Untaking Question Implementation Committee-8; Tourism Development Committee-10; Environment and Pollution Control Committee-14; Minority Weavers Welfare Committee-11; Scheduled Tribes Backward and Feeble Class Welfare Committee-11; Committee on Land Revenue, Excise Duty, Transport and Commercial-21; Committee on Agriculture Fertilizers, Irrigation and Development of Water Preservation-8; Committee on Food, Civil Supplies and Consumers Affairs-10; and Committee on Rural Development, NREGA, Indira Awas and Social Security-9

(j) Committee on Welfare of Women and Children-2; Committee on Papers Laid on the Table-4(1); and Committee on Backward Classes and Minorities-2(1)

(k) Committee on Welfare of Women and Children and Physically Handicapped-8(2); Committee on Environment-7(2); Committee on Welfare of Backward Class Communities-7; Committee on Official Language-7; Committee on Papers Laid on the Table-5; Committee on Local Funds Accounts-8; and Subject Committees (I to X)-11(6)

(l) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-6; Committee on Employment Guarantee Scheme-7(1); Committee on Leave of Absence of Members from Sittings of the House-1(1); Panchayati Raj Committee-16; and Committee on Rights and Welfare of Women-8(1)

(m) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-6; Committee on Employment Guarantee Scheme-7(1); Committee on Leave of Absence of Members from the Sittings of the House-2(2); Panchayati Raj Committee-16; Committee on Rights and Welfare of Women-8(1); and Committee on Welfare of Other Backward Classes-11

(n) Hill Areas Committee-5; and Committee on Welfare of Women and Children-2

(o) Committee on Papers Laid on the Table-3; Submission Committee-2(1); Committee on Proceedings-8(1); Standing Committees-25; Ethics Committee-5; House Committee on Women and Child Welfare-4; and House Committee on Proceedings-8

(p) Committee on Papers Laid/to be Laid on the Table of the House-6; Committee on Questions and References-13; Committee on Local Bodies and Panchayati Raj Institutions-12; House Committee to Examine Pollution being created by Sugar Mills and Distilleries in the State-5; and House Committee to Enquire into the matter regarding exemption of 32.10 Acre of Land from the 188 Scheme of Improvement Trust, Amritsar-6(1)

(q) Committee on Welfare of Women and Child-24(2); Question and Reference Committee-24; and Committee on Welfare of Backward Class-20

(r) Questions and Reference Committee-1; Committee on Parliamentary Research, Reference and Studies-1; and Committee Relating to Examination of Audit Reports of the Local Bodies of the State-11

(s) Committee on Reference and Question-8; Committee on Financial and Administration Delays-5; Committee on Parliamentary Study-20; Committee on Enquiry of Housing Complaints of UP Legislature-19; Parliamentary and Social Welfare Committee-5; Committee on Control of Irregularities in Development Authorities, Housing Board, Zila Panchayats and Municipal Corporation-6; Committee on Enquiry of Provincial Electricity Arrangement-9; Committee on Regulation Review-13; Committee on Enquiry of Ragging in Colleges/Engineering Institution in Provinicial-5; Committee on Enquiry of Death/Suicide due to Hunger in Provincial-1; and Committee on Commercialization of Education-5

(t) Committee on Women and Child Welfare-1; and Committee on Environment-1(2)

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD

1 JULY TO 30 SEPTERMBER 2008

Sl. No.	Title of the Bill	Date of Assent by the President

— Nil —

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD

1 JULY TO 30 SEPTEMBER 2008

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Societies Registration (Extension to Arunachal Pradesh) (Amendment) Bill, 2008
2. The Arunachal Pradesh Recording of Marriage Bill, 2008

ASSAM LEGISLATIVE ASSEMBLY

1. The Guwahati Waterbodies (Preservation and Conservation) Bill, 2008
2. The Indian Stamp (Assam Amendment) Bill, 2008
3. The Assam Appropriation (No.III) Bill, 2008

BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Viniyog (Sankhya-3) Vidheyak, 2008
2. The Bihar Nagarpalika Prakatikaran Vidheyak, 2008
3. The Indira Gandhi Ayurvigyan Sansthan (Sanshodhan) Vidheyak, 2008
4. The Bihar Mulya Vardhita Kar (Sanshodhan) Vidheyak, 2008
5. The Aryabhatta Gayana Vishwavidyalaya Vidheyak, 2008

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Nagarpalika Prakatikaran Vidheyak, 2008
2. The Indira Gandhi Ayurvigyan Sansthan (Sanshodhan) Vidheyak, 2008
3. The Bihar Viniyog (Sankhya-3) Vidheyak, 2008
4. The Aryabhatta Gayana Vishwavidyalaya Vidheyak, 2008
5. The Bihar Mulya Vardhita Kar (Sanshodhan) Vidheyak, 2008

CHHATTISGARH LEGISLATIVE ASSEMBLY

1. The Chhattisgarh Kushbabhau Thakre Patrakarita Evam Jansanchar University (Amendment) Bill, 2008
2. The Chhattisgarh Vishwavidyalaya (Sanshodhan) Bill, 2008
3. The Ayush and Health Science University of Chhattisgarh Bill, 2008
4. The Chhattisgarh Appropriation (No.3) Bill, 2008
5. The Chhattisgarh Public Libraries Bill, 2008
6. The Chhattisgarh Public Examination Prevention of Unfair Means Bill, 2008
7. The Chhattisgarh Private Universities (Establishment and Operation) (Amendment) Bill, 2008

8. The Chhattisgarh Land Revenue Code (Amendment) Bill, 2008
9. The Chhattisgarh Krishi Upaj Mandi (Sanshodhan) Bill, 2008
10. The Indira Gandhi Krishi Vishwavidyalaya (Sanshodhan) Bill, 2008

GOA LEGISLATIVE ASSEMBLY

1. The Goa Appropriation (No.3) Bill, 2008
2. The Goa Appropriation (No.4) Bill, 2008
3. The Goa Appropriation (No.5) Bill, 2008
4. The Goa Appropriation (No.6) Bill, 2008
5. The Goa Appropriation (No.7) Bill, 2008
6. The Goa Appropriation (No.8) Bill, 2008
7. The Goa Appropriation (No.9) Bill, 2008
8. The Goa Tax on Infrastructure (Second Amendment) Bill, 2008
9. The Goa Value Added Tax (Fourth Amendment) Bill, 2008
10. The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 2008
11. The Goa Co-operative Societies (Amendment) Bill, 2008
12. The Goa Sewerage System and Sanitation Services Management Bill, 2008
13. The Goa School Education (Amendment) Bill, 2008
14. The Goa Health Services Development Bill, 2008
15. The Goa Police Bill, 2008
16. The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2008

GUJARAT LEGISLATIVE ASSEMBLY

1. The Gujarat Maritime Board (Amendment) Bill, 2008
2. The Gujarat Metropolitan Planning Committee Bill, 2008
3. The Gujarat Homeopathic (Amendment) Bill, 2008
4. The Gujarat Forensic Sciences University Bill, 2008
5. The Bombay Land Revenue (Gujarat Amendment) Bill, 2008
6. The Gujarat Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Bill, 2008

HARYANA LEGISLATIVE ASSEMBLY

1. The Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak (Amendment) Bill, 2008*
2. The Indian Stamp (Haryana Amendment) Bill, 2008
3. The Haryana Regulation of Property Dealers and Consultants Bill, 2008*
4. The Haryana Salaries and Allowances of Ministers (Second Amendment) Bill, 2008*
5. The Haryana Underground Pipelines (Acquisition of Right of User in Land) Bill, 2008*
6. The Haryana Appropriation (No.3) Bill, 2008*
7. The Haryana Municipality Public Disclosure Bill, 2008*

8. The Haryana Municipal Corporation (Amendment) Bill, 2008*
9. The Haryana Town Improvement Bill, 2008*
10. The Haryana Municipal Citizens Participation Bill, 2008*
11. The Haryana Urban Development Authority (Amendment) Bill, 2008*
12. The Haryana Tax on Entry of Goods into Local Areas (Amendment) Bill, 2008*

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Advocates Welfare Fund (Amendment) Bill, 2008
2. The Himachal Pradesh Administrative Tribunal (Transfer of Decided and Pending Cases and Application) Bill, 2008
3. The Himachal Pradesh Private Technical and Vocational Educational Institutions (Regulation of Admission and Fixation of Fee) Bill, 2008
4. The Himachal Pradesh Panchayati Raj (Second Amendment) Bill, 2008

JHARKHAND LEGISLATIVE ASSEMBLY

1. The Jharkhand Krishi Vishwavidyalaya (Sanshodhan) Vidheyak, 2008
2. The Jharkhand Viniyog (Sankhya-3) Bill, 2008
3. The Jharkhand Rajya Vishwavidyalaya (Sanshodhan) Vidheyak, 2008
4. The Jharkhand Karamchari Chayan Aayog Vidheyak, 2008

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Value Added Tax (Amendment) Bill, 2008
2. The Karnataka Taxation Laws (Amendment) Bill, 2008
3. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 2008
4. The Karnataka Appropriation Bill, 2008
5. The Karnataka Stamp (Amendment) Bill, 2008
6. The Karnataka Appropriation (No.1) Bill, 2008

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Coir Workers' Welfare Cess Bill, 2008
2. The Kerala Appropriation (No.16) Bill, 2008
3. The Kerala Finance Bill, 2008
4. The Kerala Finance (No.2) Bill, 2008
5. The Kerala Payment of Salaries and Allowances (Amendment) Bill, 2008
6. The Kerala Payment of Pension to Members of Legislature (Amendment) Bill, 2008
7. The Kerala Head Load Workers (Second Amendment) Bill, 2008
8. The Kerala Appropriation (No.17) Bill, 2008
9. The Kerala Medical Officers' Admission to the post-Graduate Courses under Service Quota Bill, 2008
10. The Kerala Conservation of Paddy Land and Wetland Bill, 2007

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Maharashtra (Second Supplementary) Appropriation Bill, 2008

2. The Maharashtra Legislature Members' Salaries and Allowances (Amendment) Bill, 2008

MAHARASHTRA LEGISLATIVE COUNCIL

1. The Bombay Homoeopathic Practitioners (Amendment) Bill, 2008
2. The Maharashtra Legislature Members' Salaries and Allowances (Amendment) Bill, 2008
3. The Maharashtra (Second Supplementary) Appropriation Bill, 2008

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Value Added Tax (Amendment) Bill, 2008
2. The Societies Registration (Nagaland Third Amendment) Bill, 2008*

ORISSA LEGISLATIVE ASSEMBLY

1. The Orissa Pani Panchayat (Amendment) Bill, 2008*
2. The Indian Stamp (Orissa Amendment) Bill, 2008*
3. The National Law University Orissa Bill, 2008*
4. The Utkal University of Culture (Amendment) Bill, 2008*
5. The Orissa Excise Bill, 2005*

PUNJAB LEGISLATIVE ASSEMBLY

1. The Indian Penal Code (Punjab Amendment) Bill, 2008*
2. The Code of Criminal Procedure (Punjab Amendment) Bill, 2008*
3. The Punjab Protection of Medicare Services Persons and Medicare Services Institutions (Prevention of Violence and Damage to Property) Bill, 2008*
4. The Punjab Value Added Tax (Second Amendment) Bill, 2008*
5. The Punjab Value Added Tax (Third Amendment) Bill, 2008*
6. The Punjab Learning of Punjabi and Other Languages Bill, 2008*
7. The Punjab Official Language (Amendment) Bill, 2008*

RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Para-Medical Council Bill, 2008
2. The Rajasthan Khadi and Village Industries Board (Amendment) Bill, 2008
3. The Rajasthan Universities Laws (Amendment) Bill, 2008*
4. The Rajasthan Appropriation (No.5) Bill, 2008
5. The Rajasthan Scheduled Castes, Scheduled Tribes, Backward Class, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under State) Bill, 2008*
6. The Rajasthan Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008
7. The Rajasthan Universities Teachers (Absorption of Temporary Teachers) Bill, 2008
8. The Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Bill, 2008

UTTAR PRADESH LEGISLATURE

1. The Uttar Pradesh Industrial Area Development (Amendment) Bill, 2008
2. The Uttar Pradesh Sugar Cane (Regulation of Supply and Purchase) (Amendment) Bill, 2008
3. The Uttar Pradesh Sugarcane Laws (Amendment) Bill, 2008
4. The Uttar Pradesh State Open School Board Bill, 2008
5. The Uttar Pradesh Value Added Tax (Amendment) Bill, 2008
6. The Uttar Pradesh Forest Corporation (Amendment) Bill, 2008
7. The Uttar Pradesh Gautam Buddha University (Amendment) Bill, 2008
8. The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2008
9. The Doctor Ram Manohar Lohia National Law University Uttar Pradesh (Amendment) Bill, 2008*
10. The Swami Vivekanand Subharti University Uttar Pradesh Bill, 2008
11. The Chhatrapati Shahuji Maharaj Medieval University Uttar Pradesh (Amendment) Bill, 2008*
12. The Teerthanker Mahaveer University Uttar Pradesh Bill, 2008
13. The Uttar Pradesh State Universities (Amendment) Bill, 2008*
14. The Uttar Pradesh Tax on Entry of Goods into Local Area (Second Amendment) Bill, 2008
15. The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Bill, 2008
16. The Uttar Pradesh Appropriation (Supplementary, 2008-2009) Bill, 2008
17. The Uttar Pradesh Stamp Bill, 2008*
18. The Uttar Pradesh Water Management and Regulatory Commission Bill, 2008

* Bills awaiting assent

APPENDIX VI

ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD

1 JULY TO 30 SEPTEMBER 2008

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
			UNION GOVERNMENT		
1.	The Employees State Insurance (Amendment) Ordinance, 2008	3.7.2008	21.7.2008	—	—
			BIHAR		
1.	The Bihar Mulya Varditha Kar (Sanshodhan) Adhyadesh, 2008	4.6.2008	24.7.2008	11.8.2008	—
			CHHATTISGARH		
1.	The Chhattisgarh Land Revenue Code (Amendment) Ordinance, 2008	5.4.2008	9.7.2008	—	—
			GOA		
1.	The Goa Value Added Tax (Amendment) Ordinance, 2008	15.6.2008	21.8.2008	26.8.2008	Replaced by Legislation
2.	The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 2008	12.6.2008	21.8.2008	26.8.2008	Replaced by Legislation

		GUJARAT			
1.	The Gujarat Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Ordinance, 2008	10.6.2008	25.9.2008	26.9.2008	Replaced by Legislation
		HARYANA			
1.	The Indian Stamp (Haryana Amendment) Ordinance, 2008	3.6.2008	1.9.2008	2.9.2008	Replaced by Legislation
		HIMACHAL PRADESH			
1.	The Himachal Pradesh Administrative Tribunal (Transfer of Decided and Pending Cases and Application) Ordinance, 2008	24.7.2008	1.9.2008	—	Replaced by Legislation
2.	The Himachal Pradesh Private Technical and Vocational Educational Institutions (Regulation of Admission and Fixation of Fee) Ordinance, 2008	29.5.2008	1.9.2008	—	Replaced by Legislation
		JHARKHAND			
1.	The Jharkhand Krishi Vishwavidyalaya (Sanshodhan) Adhyadesh, 2008	14.8.2008	19.9.2008	—	—
		KERALA			
1.	The National University of Advanced Legal Studies (Amendment) Ordinance, 2008	2.8.2008	—	—	—

2.	The Sree Sankaracharya University of Sanskrit (Amendment) Ordinance, 2008	2.8.2008	—	—	—
3.	The Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2008	2.8.2008	—	—	—
4.	The Kerala Handloom Workers' Welfare Fund (Amendment) Ordinance, 2008	2.8.2008	—	—	—
5.	The Unregistered Cashew Nut Factories Prohibition (Amendment) Ordinance, 2008	2.8.2008	—	—	—
6.	The Kerala Head Load Workers' (Amendment) Ordinance, 2008	2.8.2008	—	—	—
7.	The Kerala Shops and Commercial Establishment Workers' Welfare Fund (Amendment)Ordinance, 2008	2.8.2008	—	—	—
8.	The Kerala Advocates' Welfare Fund (Amendment) Ordinance, 2008	2.8.2008	—	—	—
9.	The Kerala Co-operative Societies (Amendment) Ordinance, 2008	2.8.2008	—	—	—
10.	The Kerala Water Supply and Sewerage (Amendment) Ordinance, 2008	2.8.2008	—	—	—

11.	The Pamba River Basin Authority Ordinance, 2008	2.8.2008	—	—	—
12.	The Kerala High Court Services (Determination of Retirement Age) Ordinance, 2008	2.8.2008	—	—	—
13.	The Kerala State Lottery Agents' and Sellers' Welfare Fund Ordinance, 2008	2.8.2008	—	—	—
14.	The Kerala Advocates' Clerks Welfare Fund (Amendment) Ordinance, 2008	2.8.2008	—	—	—
15.	The Kerala Farmers' Debt Relief Commission (Amendment) Ordinance, 2008	2.8.2008	—	—	—
16.	The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2008	2.8.2008	—	—	—
17.	The Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates (Amendment) Ordinance, 2008	2.8.2008	—	—	—
			MAHARASHTRA		
1.	The Maharashtra Cotton Seeds (Regulation of, Supply, Distribution, Sale and Fixation of Sale Price) Ordinance, 2008	23.5.2008	16.7.2008	26.8.2008	—

		MANIPUR			
1.	The Manipur (Hill Areas) District Councils (Third Amendment) Ordinance, 2008	11.5.2008	—	—	—
		NAGALAND			
1.	The Nagaland Value Added Tax (Amendment) Ordinance, 2008	8.8.2008	9.9.2008	11.9.2008	Replaced by Legislation
		PUNJAB			
1.	The Punjab Value Added Tax (Amendment) Ordinance, 2008	13.5.2008	5.9.2008	—	Replaced by Legislation
		RAJASTHAN			
1.	The Rajasthan Universities Teachers (Absorption of Temporary Teachers) Ordinance, 2008	12.6.2008	14.7.2008	—	—
2.	The Rajasthan Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Ordinance, 2008	4.6.2008	14.7.2008	—	—
3.	The Jodhpur University, Jodhpur Ordinance, 2008	9.8.2008	—	—	—
4.	The Jodhpur Development Authority Ordinance, 2008	30.8.2008	—	—	—
5.	The Rajasthan Value Added Tax (Amendment) Ordinance, 2008	8.9.2008	—	—	—

6.	The Jagdish Prasad Ghabarmal Tibrewal University Chudela (Jhunjhunu) Ordinance, 2008	21.9.2008	—	—	—
7.	The Mewar University Chhitorgarh Ordinance, 2008	21.9.2008	—	—	—
8.	The Rajasthan Non-Government Educational Institution (Amendment) Ordinance, 2008	21.9.2008	—	—	—
9.	The Rajasthan Municipalities Ordinance, 2008	26.9.2008	—	—	—
			UTTAR PRADESH		
1.	The Uttar Pradesh Value Added Tax (Amendment) Ordinance, 2008	16.7.2008	18.8.2008	—	Replaced by Legislation
2.	The Uttar Pradesh Industrial Area Development (Amendment) Ordinance, 2008	24.7.2008	18.8.2008	—	Replaced by Legislation
3	Dr. Shakuntala Mishra Uttar Pradesh Viklong Vishwavidyalaya Adhyadesh, 2008	29.8.2008	—	—	—

APPENDIX VII

A. PARTY POSITION IN 14TH LOK SABHA (AS ON 21 OCTOBER 2008)

States	No. of Seats	INC	BJP	CPI (M)	SP	RJD	BSP	DMK	SS	BJD	NCP	CPI	SAD	JD(U)	PMK	JMM	TDP	MD MK	LJSP	JD (S)	AIFB
Andhra Pradesh	42	31	—	1	—	—	—	—	—	—	—	1	—	—	—	—	5	—	—	—	—
Arunachal Pradesh	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam	14	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	40	3	5	—	—	22	—	—	—	—	—	—	—	5	—	—	—	—	4	—	—
Chhattisgarh	11	2	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	13	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	8	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	—	—	—	2	—	—	—	—	—	1	—	—	—	4	—	—	—	—	—
Karnataka	28	9	11	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Kerala	20	—	—	12	—	—	—	—	—	—	—	3	—	—	—	—	—	—	—	1	—
Madhya Pradesh	29	5	24	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	13	12	—	—	—	—	—	12	—	10	—	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	11	—	—	—	—	—	1	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	8	—	—	—	—	—	—	—	—
Rajasthan	25	4	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	2	—	—	—	16	—	—	—	2	—	—	5	—	—	4	—	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand	5	2	2	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	9	9	—	35	—	17	—	—	—	—	—	—	1	—	—	—	—	—	—	—
West Bengal	42	6	—	25	—	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	3
Nominated	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
The NCT of Delhi	7	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—
Puducherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
Total	545	152	124	42	37	24	17	16	12	11	11	10	8	7	6	5	5	4	4	3	3

APPENDIX VII (CONTD.)

States	RLD	RSP	TRS	AGP	J&K NC	KC	AIM IM	AITC	BNP	J&K PDP	MNF	MLK SC	NPF	NLP	RPI (A)	SDF	IND	TOTAL	VACAN-CIES
Andhra Pradesh	—	—	3	—	—	—	1	—	—	—	—	—	—	—	—	—	—	42	—
Arunachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Assam	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Bihar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	1
Chhattisgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	11	—
Goa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Gujarat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	1
Haryana	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	1
Himachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
Jammu & Kashmir	—	—	—	—	2	—	—	—	—	1	—	—	—	—	—	—	1	6	—
Jharkhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Karnataka	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23	5
Kerala	—	—	—	—	—	2	—	—	—	—	—	1	—	—	—	—	1	20	—
Madhya Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	29	—
Maharashtra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	48	—
Manipur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—
Meghalaya	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Mizoram	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	1	—
Nagaland	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	1	—
Orissa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21	—
Punjab	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—
Rajasthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	—
Sikkim	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—
Tamil Nadu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	—
Tripura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Uttarakhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—
Uttar Pradesh	3	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	1	76	4
West Bengal	—	3	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	41	—
Nominated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
UNION TERRITORIES																			
A & N Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Chandigarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	1	—
Daman and Diu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
The NCT of Delhi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—
Lakshadweep	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Pondicherry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—

Abbreviations used in respect of parties represented in the Lok Sabha:

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIMIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamool Congress; BJD-Biju Janata Dal; BJP-Bharatiya Janata Party; BNP-Bharatiya Navshakti Party; BSP-Bahujan Samaj Party; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; INC-Indian National Congress; IND-Independents; J&KPDP-Jammu & Kashmir Peoples Democratic Party; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; KC-Kerala Congress; LJSP-Lok Jan Shakti Party; MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; MNF-Mizo National Front; NCP-Nationalist Congress Party; NLP-National Loktantrik Party; NPF-Nagaland Peoples Front; PMK-Pattali Makkal Katchi; RJD-Rashtriya Janata Dal; RLD-Rashtriya Lok Dal; RPI(A)-Republican Party of India(A); RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dal; SDF-Sikkim Democratic Front; SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi

B. PARTY POSITION IN RAJYA SABHA (AS ON 10 OCTOBER 2008)

Sl. No.	State/Union Territories	Seats	INC	BJP	SP	CPI (M)	JD(U)	AIA-DMK	BSP	NCP	Others	IND	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
STATES														
1.	Andhra Pradesh	18	13	—	—	1	—	—	—	—	4[a]	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	4	—	—	—	—	—	—	—	3[b]	—	7	—
4.	Bihar	16	1	3	—	—	7	—	—	—	5[c]	—	16	—
5.	Chhattisgarh	5	2	3	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	3	—	—	—	—	—	—	—	1[d]	1	5	—
9.	Himachal Pradesh	3	2	1	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	2	—	—	—	—	—	—	—	2[e]	—	4	—
11.	Jharkhand	6	1	3	—	—	1	—	—	—	—	1	6	—
12.	Karnataka	12	5	4	—	—	—	—	—	—	2[f]	1	12	—
13.	Kerala	9	4	—	—	3	—	—	—	—	2[g]	—	9	—
14.	Madhya Pradesh	11	1	10	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	6	2	—	—	—	—	—	5	5[h]	1	19	—
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	—	—	—	—	—	—	—	1	—	—	1	—
18.	Mizoram	1	—	—	—	—	—	—	—	—	1[i]	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	1[j]	—	1	—
20.	Orissa	10	3	3	—	—	—	—	—	—	4[k]	—	10	—
21.	Punjab	7	4	—	—	—	—	—	—	—	3[l]	—	7	—
22.	Rajasthan	10	3	7	—	—	—	—	—	—	—	—	10	—
23.	Sikkim	1	—	—	—	—	—	—	—	—	1[m]	—	1	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24.	Tamil Nadu	18	4	—	—	1	—	7	—	—	6[p]	—	18	—
25.	Tripura	1	—	—	—	1	—	—	—	—	—	—	1	—
26.	Uttarakhand	3	3	—	—	—	—	—	—	—	—	—	3	—
27.	Uttar Pradesh	31	—	6	16	—	—	—	6	—	1[e]	—	29	2
28.	West Bengal	16	—	—	—	9	—	—	—	—	4[p]	2	15	1
UNION TERRITORIES														
29.	The NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	3	—
30.	Puducherry	1	1	—	—	—	—	—	—	—	—	—	1	—
31.	Nominated	12	—	3	—	—	—	—	—	—	9[q]	—	12	—
	TOTAL	245	71	53	16	15	8	7	6	6	54	6	242	3

OTHERS
(Break-up of Parties/Groups)

(a) Telegu Desam Party-3; and Communist Party of India-1
(b) Asom Gana Parishad-2; and Bodoland People's Front-1
(c) Rashtriya Janata Dal-4; and Lok Jan Shaktl Party-1
(d) Indian National Lok Dal-1
(e) Jammu and Kashmir National Conference-1; and Peoples' Democratic Party-1
(f) Janata Dal (Secular)-2
(g) Muslim League-1 and Communist Party of India-1
(h) Shiv Sena-4; and Swatantra Bharat Paksh-1
(i) Mizo National Front-1
(j) Nagaland Peoples' Front-1
(k) Biju Janata Dal-4
(l) Shiromani Akali Dal-3
(m) Sikkim Democratic Front-1
(n) Dravida Munnetra Kazhagam-4; Pattali Makkal Katchi-1; and Communist Party of India-1
(o) Rashtriya Lok Dal-1
(p) All India Trinamool Congress-2; and Revolutionary Socialist Party-1
(q) Nominated-9

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

State/Union territories	Seats	INC	BJP	CPI(M)	CPI	NCP	BSP	Janata Dal (U)	Janata Dal (S)	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A. (1.9.2008)	60	44	—	—	—	—	—	—	—	2[a]	14	60	—
Assam L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A. (25.9.2008)	243	8	55	1	3	1	4	91	—	70[b]	10	243	—
Bihar L.C. (1.10.2008)	75	3	14	2	3	—	—	20	—	10[c]	22	74#	—
Chhattisgarh L.A. (1.10.2008)	91	34	52	—	—	1	1	—	—	1[d]	—	89	2
Goa L.A. (1.10.2008)	40	17	14	—	—	3	—	—	—	3[e]	2	39	1
Gujarat L.A. (1.10.2008)	182	59	117	—	—	3	—	1	—	—	2	182	—
Haryana L.A. (1.10.2008)	90	65	2	—	—	1	1	—	—	10[f]	10	89	—
Himachal Pradesh L.A. (1.10.2008)	68	23	41	—	—	—	1	—	—	—	3	68	—
Jammu & Kashmir L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A. (3.10.2008)	225	77	109	—	—	—	—	—	23	1[g]	6	216#	8

Karnataka L.C. (5.8.2008)	75	28	23	—	—	—	—	2	13	—	3	69[e]	5
Kerala L.A (1.10.2008)	141	24	—	60	17	2	—	—	5	27[h]	5	140[e]	—
Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A. (1.10.2008)	289	75	54	3	—	71	—	—	—	67[i]	19	289	—
Maharashtra L.C. (1.10.2008)	78	20	11	—	—	22	—	—	—	14[j]	9	76	2
Manipur L.A. (30.9.2008)	60	31	—	—	4	4	—	—	—	11[k]	10	60	—
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A. (1.10.2008)	60	23	2	—	—	2	—	—	—	26[l]	7	60	—
Orissa L.A. (30.9.2008)	147	38	32	1	1	—	—	—	—	67[m]	8	147	—
Punjab L.A. (1.10.2008)	117	43	19	—	—	—	—	—	—	49[n]	5	116	1
Rajasthan L.A. (30.9.2008)	200	53	123	1	—	—	2	2	—	4[o]	13	198	2
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A. (1.10.2008)	60	10	—	46	1	—	—	—	—	3[p]	—	60	—
Uttarakhand L.A. (1.10.2008)	71	20	36	—	—	—	8	—	—	7[q]	—	71	—
Uttar Pradesh L.A. (1.10.2008)	404	21	51	—	—	—	217	—	—	106[r]	8	403	1

Uttar Pradesh L.C. (1.10.2008)	100	4	24	—	—	—	14	—	—	53[h]	5	100	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY													
Delhi L.A. (1.10.2008)	70	47	20	—	—	1	—	—	1	—	1	70	—
Puducherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—

* Information received from the State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

@ Excluding Speaker/Chairman

(a) Arunachal Congress-2

(b) Rashtriya Janata Dal-54; Lok Jan Shakti Party-10; Communist Party of India (Marxist-Leninist) (Liberation)-5; and Akhil Jan Vikas Dal-1

(c) Rashtriya Janata Dal-9; and Lok Jan Shakti Party-1

(d) Nominated-1

(e) United Goans Democratic Party-1; and Maharashtrawadi Gomantak Party-2

(f) Indian National Lok Dal-9; and Haryana Janhit Congress Party (BL)-1

(g) Nominated-1

(h) Muslim League-7; Kerala Congress (M)-7; Kerala Congress-4; Revolutionary Socialist Party-3; Congress (Secular)-1; Kerala Congress (Secular)-1; Kerala Congress (B)-1; Janathipathya Samrakshana Samithi-1; Indian National League-1; and Nominated-1

(i) Shiv Sena-56; Jan Surajya Shakti-4; Peasants and Workers Party-2 Bharip Bahujan Mahasangh-1; Republican Party of India (Athavale)-1; Swatantra Bharat Paksha-1; Akhil Bharatiya Sena-1; and Nominated-1

(j) Shiv Sena-10; Peasants and Workers Party-1; Republican Party of India (A)-2; and Lokbharti-1

(k) Manipur Peoples' (MPP)-5; Rashtriya Janata Dal-3; and National Peoples Party-3

(l) Nagaland Peoples Front-26

(m) Biju Janata Dal-61; Jharkhand Mukti Morch-4; and Orissa Gana Parishad-2

(n) Shiromani Akali Dal-49

(o) Indian National Lok Dal-3; and Lok Jan Shakti Party-1

(p) Revolutionary Socialist Party-2; and Indigenous Nationalist Party of Twipra-1
(q) Uttarakhand Party-3; Nominated-1; and Others-3
(r) Samajwadi Party-94; Rashtriya Lok Dal-10; Rashtriya Swabhiman Party-1; and Nominated-1
(s) Samajwadi Party-37; Rashtriya Lok Dal-6; Samajwadi Janata Dal (Rashtriya)-1; and Sikchhak Dal (Non-Political)-9

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